

**VILLAGE OF PEMBERTON
-COMMITTEE OF THE WHOLE MEETING AGENDA-**

Agenda for the **Committee of the Whole** of Council of the Village of Pemberton to be held **Tuesday, April 7, 2015 at 1:00 PM** in the Council Chambers, 1350 Aster Street. This is meeting No. 129.

"This meeting is being recorded on audio tape for minute-taking purposes as authorized by the Village of Pemberton Audio recording of Meetings Policy dated September 14, 2010."

Time	Item of Business	Page No.
	1. CALL TO ORDER	
	2. APPROVAL OF AGENDA	
	Recommendation: THAT the agenda be approved as presented.	
	3. HILLSIDE PLANNING AREA OVERVIEW	
	a) Application from 580049 Ltd. for Hillside Mixed Use Development	2
	Recommendation: THAT the Committee of the Whole receives the information and provides direction to staff as to Council's preferred next steps with respect to the application for OCP/Zoning Amendments submitted by 580049 Ltd. for a Hillside Mixed Use Development.	
	Appendix D Part 1 & 2 - Application Package, please follow the link below to view:	
	http://www.pemberton.ca/media/242949/127_CoW_580_Hillside_Planning_AppD_pt1.pdf	
	http://www.pemberton.ca/media/242955/127_CoW_580_Hillside_Planning_AppD_pt2.pdf	
3:00 p.m.	4. DELEGATION	
	a) Samuel Sugita, Rogers Tower at 7444 Prospect Street	52
	b) Nicole Beaudry, Rogers Tower at 7444 Prospect Street	53
	5. ADJOURNMENT	

Date: April 7, 2015
To: Nikki Gilmore, Chief Administrative Officer
From: Lisa Pedrini, Planner
Subject: Application from 580049 Ltd. for Hillside Mixed Use Development

PURPOSE

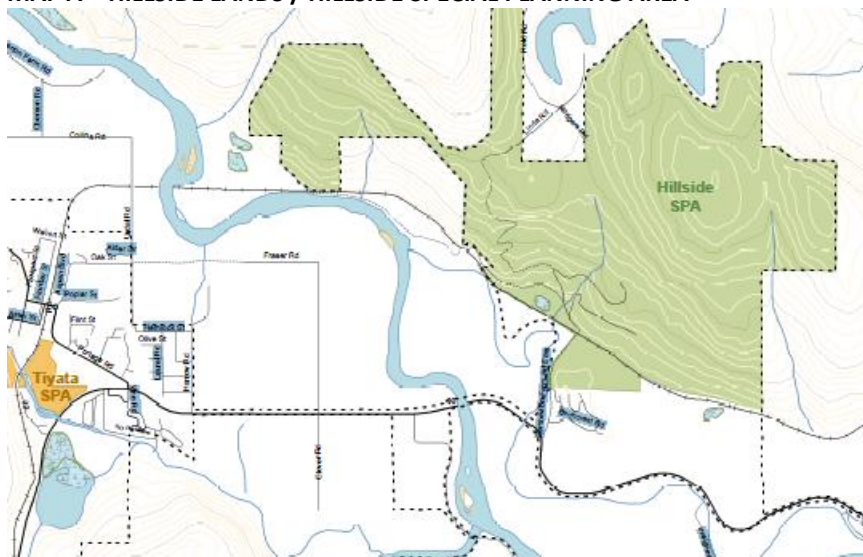
The purpose of the report is to present information on an application to amend the Official Community Plan and Zoning Bylaws to facilitate a proposed mixed use development including single family residential, multi-family residential, and potential tourist accommodation with parks and trails submitted by 580049 B.C. Ltd. The proposed development is on lands legally described as Lot 2 & 3, DL 211, EPP 21848, LLD and referred to as the “580 Hillside” Development (previously known as the “Biro” development).

This report presents information on the development proposal as supplied by the applicants. The report also includes agency referral, Village Advisory Land Use Commission’s (ALUC) and staff comments for Council’s consideration particularly related to the development concept. Further, this report seeks Council’s direction with respect to next steps.

BACKGROUND

The subject property comprises part of the Hillside Area which was removed from the SLRD and incorporated into the Village of Pemberton in 2011. These Hillside Lands include all of the privately held lands along the south facing slope and above the CN Rail Right of Way as shown on **Map A – Hillside Special Planning Area** below.

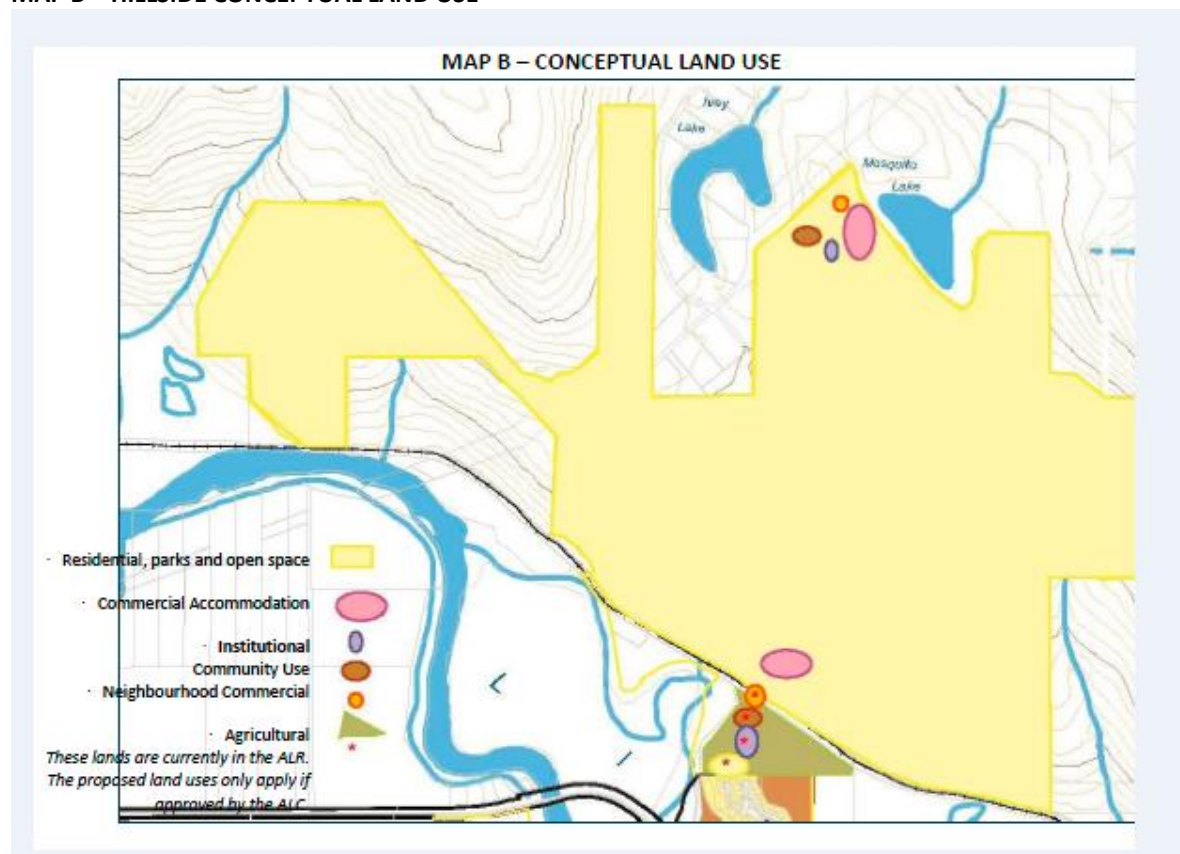
MAP A – HILLSIDE LANDS / HILLSIDE SPECIAL PLANNING AREA



On October 28, 2011, the Village of Pemberton Official Community Plan (OCP) was amended through Bylaw 675, 2011 to designate the newly acquired Hillside lands as “Hillside Special Planning Area”. At the same time, the Bylaw also designated a portion of these lands as within the Village of Pemberton’s Urban Growth Boundary.

The OCP amendment stated that development of this Hillside area should be generally consistent with the directions of the Hillside Lands, Planning Status Report (attached as **Appendix A**) which was presented to Village Council by staff shortly after the lands were incorporated. This report provided a comprehensive overview of the subject lands and identified conceptual land uses for Lots 2 and 3 as “Residential, Parks and Open Space” with a “Commercial Accommodation” node as per **Map B – Hillside Conceptual Land Uses** shown below and on page 7 of the Hillside Lands, Pemberton Planning Status Report.

MAP B – HILLSIDE CONCEPTUAL LAND USE



In November 2013, the Village of Pemberton Official Community Plan Amendment (Hillside Special Planning Area Policies) Bylaw 742, 2013 was adopted that set out the policies to complement the Hillside Special Planning Area designation. The policy direction contained in Bylaw 742 refers to the potential for additional uses on the Hillside - besides the predominant use of residential - namely commercial accommodation (resort/hotel/lodge), institutional (churches, education) and/or community uses (recreation, leisure facilities, emergency services) and limited neighbourhood commercial (to serve the needs of the neighbourhood).

Bylaw 742 mentions that the definitive location of the individual land uses shall be determined with each phase of development; in other words, at the OCP amendment and Rezoning stage.

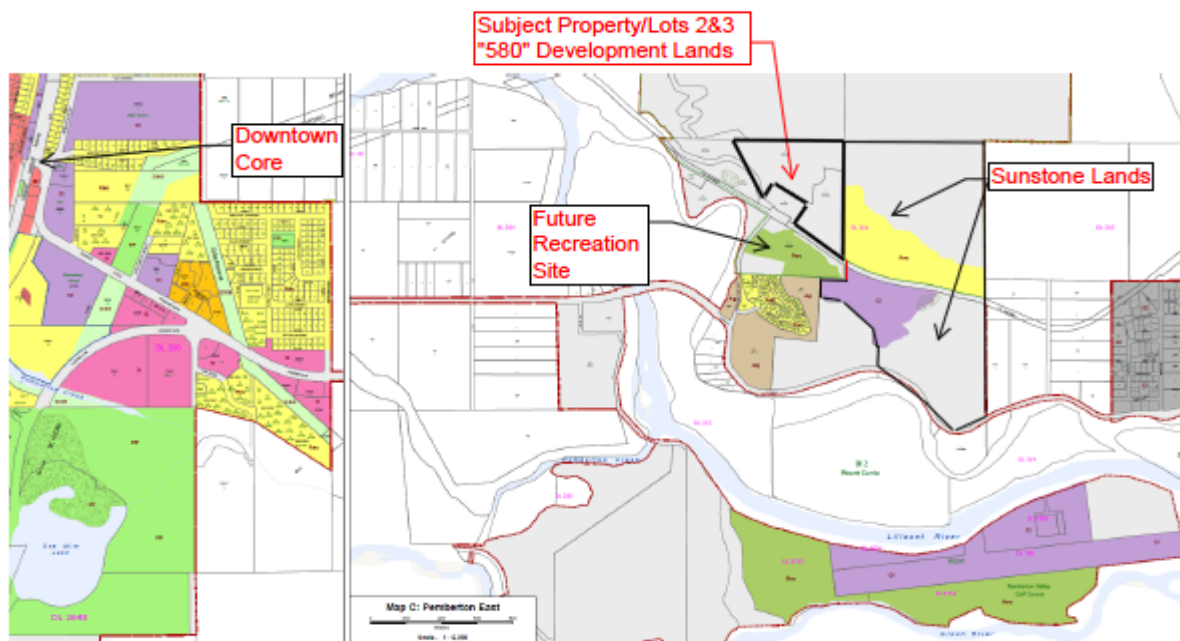
This is why, despite the general directions of the two OCP amendments, applications for individual development parcels within the Hillside Area require site specific OCP and Zoning amendments applications to move from the 'conceptual' to the 'concrete' and these applications need to be initiated by the land owners (or their designates) and approved by Council.

DISCUSSION & COMMENTS

On September 18, 2014 Cam McIvor, Agent on behalf of 580049 BC Ltd., submitted an application for a Zoning Amendment of Lots 2 and 3, Plan EPP21848, DL 211, LLD. Staff determined that an OCP Amendment was also necessary to re-designate the subject property to facilitate the Rezoning. Subsequently, an application for the OCP amendment was submitted on January 19, 2015.

The subject property (Lots 2 and 3) is located approximately 3.6 km east from the Village center and 0.5 km north of the Pemberton Plateau development adjacent to Pemberton Farm Road East. Both lots are situated on previously cleared sloping hillside just above the CN Rail right of way. The subject land is not in the Agricultural Land Reserve (ALR). A location map showing the subject property and the surrounding land uses location of the development in relation to other development in the Village is shown below as **Map C**.

Map C – Location Map, Lots 2 & 3

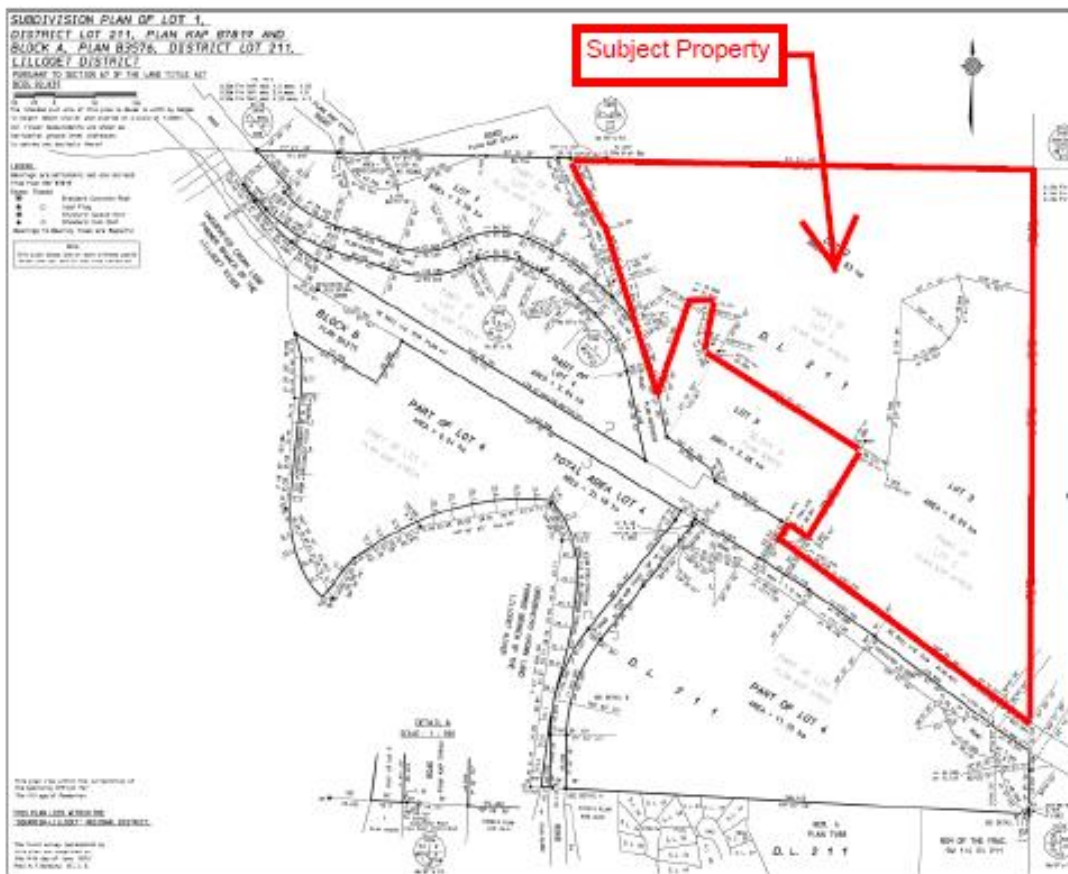


Lying to the east of the "580 Lands" on the hillside are the Sunstone Ridge Lands. The Sunstone Ridge application for single family and multi-family residential uses was approved by Council through a similar OCP Amendment/Rezoning process in 2011 via OCP Amendment Bylaw 679, 2011 and Zoning Amendment Bylaw 680, 2011. The design concept of these two residential development projects is conceptualized to work together, with proposed future common roads, shared trails, and an overall comprehensive servicing plan.

The Sunstone Lands represent approximately 5.0% of the entire Hillside Lands, and the '580' Development Lands represents less than 1%.

The proposed development will be accessed from Highway 99 to Pemberton Farm Road East. Lot 2 measures 12.83 ha, and Lot 3 measures 8.99 ha, for a combined area of 21.8 hectares (54 acres). The existing OCP Designation is Hillside Special Planning Area (Village OCP) and the existing zoning is RR1 Zone - Rural Residential (SLRD Electoral Area C Zoning Bylaw). A cadastral map of the subject property and is shown below as **Map D**.

MAP D – Subject Property Map



PROPOSED DEVELOPMENT CONCEPT

The proposed development concept for the subject property is for a total of 51 single family residential lots in 3 different lot sizes, a townhouse parcel, and a potential tourist accommodation parcel.

The area in total proposed for single family residential lots is approximately 17.7 ha (11.6 ha on Lot 2 and 6.1 ha on Lot 3) and is broken up as follows:

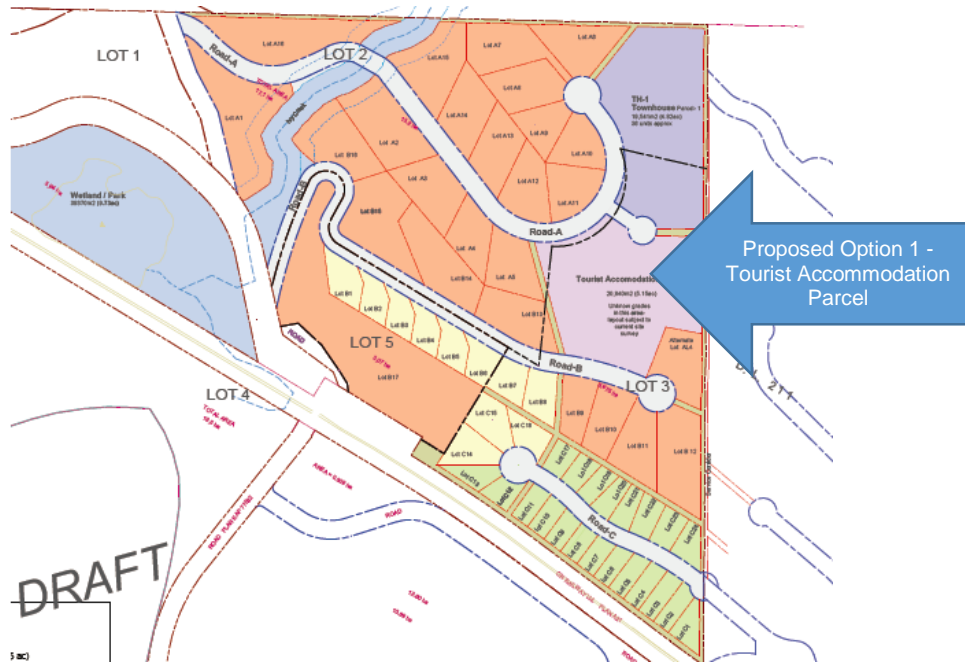
- 25 Large Residential Lots (greater than 2,025-sm lot area)
- 5 Medium Residential Lots (1,200-sm – 2,024-sm lot area)
- 21 Small Residential Lots (700-sm – 1,199-sm lot area)

The area in total proposed for multi-family residential townhouse units is approximately 2.1 ha in total area, at a density of 18 units/ha (a common townhouse density).

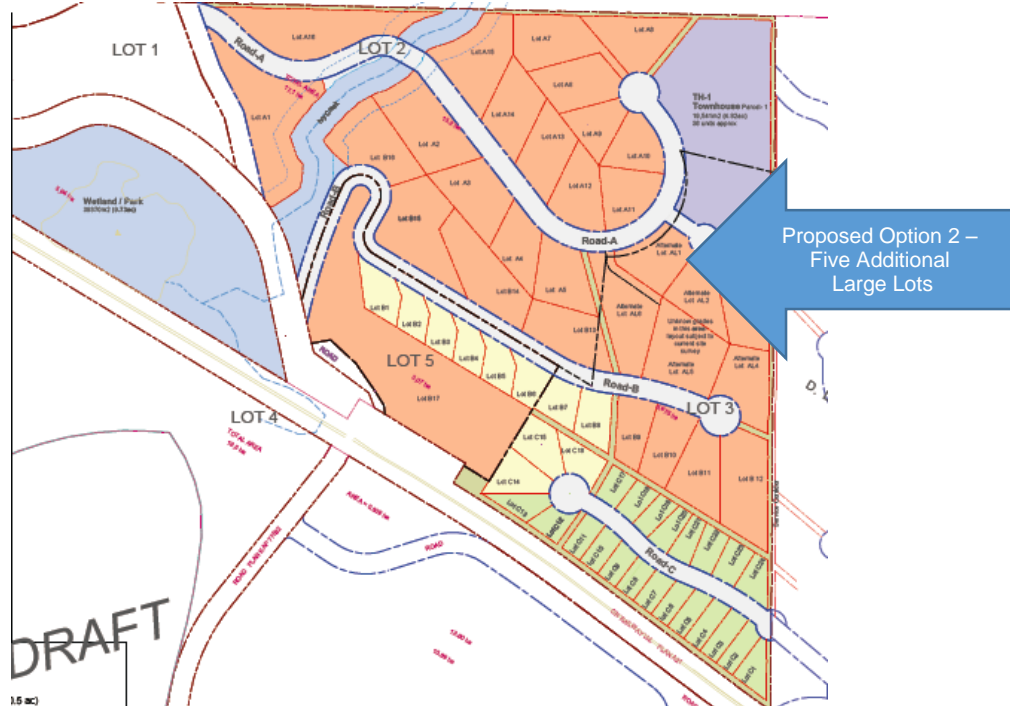
The area proposed for possible tourist accommodation is approximately 2.1 ha in total area. The applicants have requested that this area of the development be permitted to allow development as either a tourist commercial hotel (conference centre) or as additional Large Residential lots.

The proposed two alternate concepts are illustrated below as **Map D** and **Map E**:

MAP D – DEVELOPMENT CONCEPT PLAN 1 - with Tourist Accommodation Node included



MAP E – DEVELOPMENT CONCEPT PLAN 2 - without Tourist Accommodation Node included



REVIEW OF DEVELOPMENT CONCEPT

Affordable Housing

- Two primary forms of housing are being proposed: single family lots and townhome units all at market value.
- The single family lots come in three sizes, which consist of “small lot” single family development, medium sized and large lot (or estate lot) single family development. Small lots are considered to be a more affordable choice than regular or medium sized lots.
- The large and medium size single family lots are supportive of secondary suites including detached garages (which is an approach that is more sensitive to the terrain, rather than clearing a larger building footprint).
- At this time the unit sizes of the multi-family townhomes have not yet been determined (this will be a Development Permit consideration) but townhomes are considered to be a more affordable option than single family residential.

Amenity Contributions

- It is standard for the Village to request financial contributions from the applicant for certain community amenities at the time of rezoning to help address the burden which residential development imposes on the demand for public facilities, services and amenities. The *Village of Pemberton Community Amenity Policy* (July 10, 2007/ Amended March 16, 2010) outlines the types and amounts of contributions that developers can expect to pay to the Village for placement into a Reserve Fund¹. The proponents of this development are expected to contribute to the Village's Community Amenity Fund.
- There are several ways that municipalities can approach securing amenity funds at rezoning. The Village can utilize amenity zoning or the funds can be secured through a legal agreement. Fortunately for the Village, when the subject properties were created, these amenity payments were secured at subdivision via Section 219 Covenant # CA2723154, (a copy of which is attached as **Appendix B**).
- As per the Covenant, it is the expectation that all amenity contributions noted in 1 (c) will be forthcoming at the rezoning stage. However, the agent for the application has informed staff that the proponents are not in a position at this time to meet all the amenity contributions contained in the Covenant, and have requested that a new Section 219 (No Build) Covenant to be negotiated at this stage that would be applicable at the time of further subdivision.

Planning Staff Note: *The Village must be agreeable to re-negotiating the terms of a new Section 219 (No Build) Covenant. Given that the Village's initial approach to this property was to secure amenities as part of a Covenant that runs with the land, it is Staff's recommendation that we continue with this approach rather than through the application of*

¹ As per the Policy, the Community Amenity Reserve Fund will only be used by Council to assist in the financing of amenities that include but are not limited to: an indoor swimming pool complex; an arena; and an outdoor skating rink.

amenity zoning to this property. (For your information, amenity zoning was applied to the Sunstone rezoning application in the past for this purpose).

The following is the background on the circumstances that led to the Section 219 (No Build) Covenant being registered. Lot 2 & Lot 3 originate from a parent property which was formerly legally described as Lot 1, DL 211, Plan KAP87919 and Block A, DL 211, KAP8357. Before the subdivision, the land was held by a group of owners, and in 2012 the land was subdivided into four (4) lots primarily to divide individual legal title in the lands between the three owners – Sabre, Biro and Tulloch.

At the time, the current zoning of the property (as per the SLRD's Area C Zoning Bylaw) permitted the lands to be subdivided, but the proposed subdivision would only be in compliance with the Village's Official Community Plan if a no-build covenant was registered on title as to ensure that certain Development Permit or subdivision requirements for servicing could be fulfilled. Therefore a Section 219 (No Build) Covenant was needed to be registered on the title of all four new lots in order to allow the subdivision to proceed. As such, Section 219 (No Build) Covenant CA2723154 was signed off by the Village on July 19, 2012 and the subdivision was approved on August 17, 2012.

Cultural Values

- The subject property is located within the traditional territory of the Lil'wat Nation. Several archaeological and traditional use studies have been undertaken in the surrounding area.
- Arrowstone Archeological Consulting in conjunction with Land and Resources Department of Lil'wat Nation conducted an Archeological Impact Assessment (AIA) which was completed in January 2010. The objectives of the AIA were to identify and evaluate any archaeological sites, identify and assess possible impacts by the proposed development areas to any identified archaeological sites, to provide recommendations regarding the need for further studies, and to recommend viable alternatives for managing adverse impacts.
- Two archeologically significant sites were identified in the AIA. Both sites are outside of the property that is subject to this application.
- There are no other direct cultural offerings from the applicants.

Planning Staff Comment: *Since no archaeological sites were in the "580" Hillside Site, no impacts to archaeological sites are anticipated within the subject area as a result of proposed development activities.*

Environmental Considerations

- The proponent retained Keystone Environmental to complete an Environmental Assessment (EA) of the project lands in March 2013. This EA covered both the Sunstone Ridge Lands and the "580" Development Lands.
- The Executive Summary notes *"the EA report assesses and evaluates potential environmental effects of the proposed development and recommends mitigation measures to be implemented to avoid, minimize and manage potential effects.*

Specifically, key potential environmental impacts of the proposed project includes the removal of approximately 9 ha of previously disturbed mixed forest habitat in young to mid-seral stages, and the potential for indirect effects on Ivey Creek and its associated wetland areas. The EA also considered potential Project effects on a federally Endangered Species at Risk: the sharp-tailed snake which was reportedly observed in proximity to the northwest portion of the site.”

- Keystone Environmental has provided direction with regard to the sharp tailed snake indicating that the development site is less likely to accommodate the species due to the lack of riparian areas/food sources. Keystone has also recommended that in order to protect a potential population of sharp-tailed snakes and the habitat they may be using in the Pemberton Valley, the project will be subject to the Best Management Practices for Amphibians and Reptiles in Urban and Rural Environments in British Columbia (2004). Keystone notes that the applicants will require a future Development Permit for DP Area 1- Environmental Protection, as per the Village OCP.

Planning Staff Comment: *The EA report includes mention of the 2011 documented observation of a red-listed species at risk (sharp-tailed snake) in Table 1, on p. 7 of the Environmental Assessment. However, even though the siting is acknowledged, in other sections of the report, the language used appears to cast doubt on the find, through the use of phrases like “the sharp-tailed snake which was reportedly observed” (p.i); “this particular sighting, if confirmed by further study, would expand the known range...” (p.13) and “with the exception of potential SAR snake habitat present on-site...” (p.26).*

*For this reason staff requested that the applicants provide further information to the 2013 EA report to rectify the uncertainty that the report appears to imply about the independent siting by Dr. Leslie Anthony in August 2011. This was not provided but the applicants did forward the Village a copy of a Memorandum written by Sunstone’s environmental consultants (Keystone) which contains excerpts from the Sharp-tailed Snake (STS) Survey conducted in June 2014 and Keystone’s current recommendations (attached as **Appendix C**). The Village had requested a copy of the full survey results but this has not been provided to date.*

Staff does not want to downplay the importance and ramifications of the sighting of an endangered species (sharp-tailed snake) on the northwestern portion of the ‘580’ Site. As such, both the Provincial MFLNRO’s Species at Risk Biologist for the South Coast Region, and Stewardship Pemberton were asked to comment on the application.

However, as the Village discovered through the Development Permit process on the Sunstone lands, the Village does not have the legislative authority to compel the applicants to abide by provincial and federal Species at Risk legislation. Nevertheless, the applicants have agreed to use Best Management Practices to guide their mitigation to avoid habitat and species destruction.

Site Servicing and Infrastructure

- A Conceptual Servicing Design Brief was prepared by Gilbey Engineering Services in 2012 to describe the servicing concept for connection of the proposed development to the Village of Pemberton infrastructure and the method of stormwater management. The report confirms that all proposed works and services will conform to Village of Pemberton requirements and the requirements of any other authorities with jurisdiction.

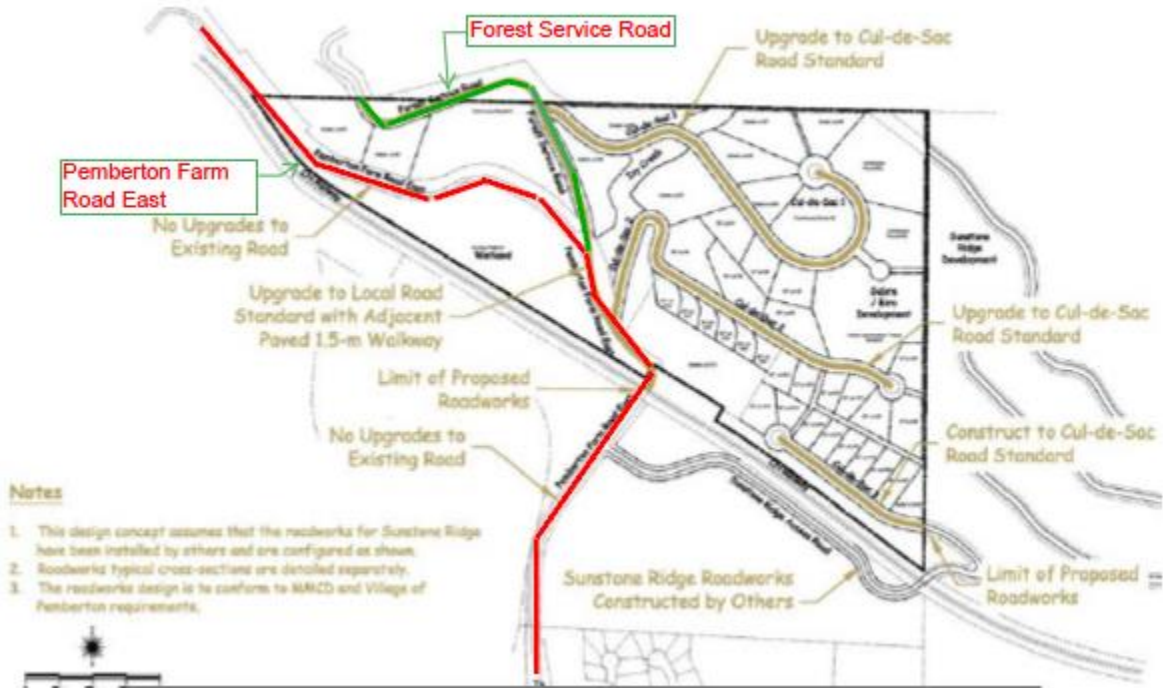
The report is summarized in the following sections below. Although the current development concept differs slightly from the layout in the Servicing Design Brief, the applicant believes that the findings of that report are still valid for the current development concept.

- The following is based on the information provided from the applicant. The application in its entirety is attached as **Appendix D** (follow the links provided).

1. Roadworks and Access

The proposed development site will be generally accessed from Highway 99 via Pemberton Farm Road East. Pemberton Farm Road East is paved south of the CN rail crossing with an existing paved width of 7 m. North of the CN Rail crossing it is constructed with varying widths and a granular surface, and provides access to very limited development. Please refer to **Map F** below for details on the proposed roadworks plan.

MAP F – PROPOSED ROADWORKS PLAN



The McKenzie Basin Forest Service Road branches off Pemberton Farm Road East approximately 250 m north of the CN Railway crossing and provides limited access to areas north including Ivey Lake Estates. There currently is no formal right-of-way within the development site for this Forest Service Road (FSR). The portion of the FSR within the development site has been previously upgraded to a 10 m wide granular surface with rip-rap lined ditches, and has a maximum grade of 12%.

Cul-de-Sac Roads A and B (see Concept Plans) were partially constructed pursuant to a Preliminary Layout Approval issued for a subdivision while the property was within the Squamish-Lillooet Regional District. That subdivision process however was not completed by the owner at the time. Road A has been constructed with a 9 m wide

granular surface and rip-rap ditches, and has a maximum grade of 12%. Road B has been constructed to subgrade, and approximately half of the road has been surfaced with sub-base gravel. The roadway top width varies from 8 m to 11 m, and it has a maximum grade of 11%. Road C has not yet been constructed, and will have moderate grades.

In order to preserve the rural nature of this development, it is proposed to construct the subdivision roads to a rural hillside standard consistent with roads proposed for the adjacent Sunstone Ridge development.

Planning Staff Comment: *It should be noted that the northern cul-de-sac requires the ongoing operation and maintenance of the FSR, which is outside the Village's purview. It is also worth mentioning that in order to construct the subdivision roads to a rural hillside standard consistent with roads proposed for the adjacent Sunstone Ridge development, the proponents will require a future variance (DVP application). The purpose of the DVP will be to vary the road standards from those set out in the Village's Subdivision and Development Control Bylaw No. 677, 2011 and, as such, will require approval by Council.*

The main road through the site (that portion of the Pemberton Farm Road East) will be upgraded to the local road standard, with 3.3 m wide paved traveled lanes, an adjacent 1.5 m wide paved walkway lane, 0.5 m wide granular shoulders, and a 20 m wide right-of-way. Ditches and culverts will convey surface drainage, and the proponents have stated these will be armoured where recommended by the geotechnical engineer to prevent erosion.

The remaining roads (Roads A, B & C) that provide access to development parcels will be upgraded or constructed to the cul-de-sac standard, with 3.3 m wide paved traveled lanes, 0.5 m wide granular shoulders, and an 18 m wide right-of-way. Ditches and culverts will convey surface drainage, and will be armoured where recommended by the geotechnical engineer to prevent erosion. The turn-around for the cul-de-sacs will have minimum pavement and right-of-way radii of 10.25 m and 15 m respectively.

The applicant has stated that they do not propose to upgrade Pemberton Farm Road East south of the railway or west of the Forest Service Road as they are existing roads that do not provide direct driveway access to development parcels.

Planning Staff Comment: *It will be up to the Village of Pemberton to determine if upgrades to existing roads will be required.*

A Traffic Impact Study prepared for Ravens Crest by Delcan in August 2011 investigated timing of improvements to the highway intersection and to the rail crossing. The scale, timing and configuration of development assumed in this Study have since changed. However, based on development levels in the Study, the applicant has noted that it appears that, for the currently proposed '580' property and Sunstone Ridge developments, no highway intersection improvements will be required, and upgrading of the railway crossing to bells and flashers is potentially required at a certain threshold. An updated traffic impact study will need to be undertaken by the applicant to confirm what, if any, improvements are required for the highway intersection and railway crossing given the current development scenario.

Planning Staff Comment: *The Village of Pemberton, in consultation with provincial agencies, will determine if highway intersection improvements are needed based on the results of the updated traffic impact study.*

2. Pedestrian Circulation

Pedestrian and bike circulation will be provided for in the development. Due to the expected low volume of pedestrian and bicycle traffic, and the rural nature of the development, urban style separated concrete walkways are not proposed. The main road through the site will include a dedicated 1.5 m wide paved walkway. This walkway will be constructed adjacent to the travelled vehicle lane. The cul-de-sac roads will not have a dedicated walkway due to the expected low vehicle and pedestrian volumes, it is proposed that it be shared between vehicles, pedestrians, and bicycles. Similarly, the existing section of Pemberton Farm Road East that runs through the site is not proposed for upgrading but will be shared between users.

3. Water Services and Fire Protection

At this time, there are no municipal water services provided to the site. The Village of Pemberton water system is currently servicing the nearby Pemberton Plateau development, and is proposed to be extended to the subject property along Pemberton Farm Road East. For the purposes of the engineer's design brief, the applicants have assumed that the municipal water services have been extended to the Sunstone Ridge site.

Connection to the municipal water system will be made at three (3) locations as indicated in Figure 11, as found in the attached application. The watermain layout will be looped to provide circulation except for the section on the Forest Service Road servicing Estate Lots 1 & 2. The size of the watermains is estimated to be 200 mm diameter, and will be confirmed during detailed design through water system computerized modeling. Watermain alignments will be curved to match road alignments subject to joint deflection limitations. Servicing right-of-ways will be provided as required where pipes are not within road rights-of-ways.

Three (3) pressure zones will be established compatible with those proposed on the adjacent Sunstone Ridge Development, and one (1) pressure reducing station will be required. System Operating pressures at peak demand will range from 44-psi to 140-psi. Individual 25-mm diameter water services will be provided to each single-family property, and 150-mm diameter services will be provided to the multi-family and tourist accommodation parcels. Fire hydrants will be provided in accordance with Fire Underwriter Society and Village of Pemberton requirements.

Engineering Staff Comment: *A comprehensive water supply strategy, to the satisfaction of the Village, will be required before any development is permitted on the subject lands.*

3. Sanitary Sewer Services

At this time, there are no municipal sanitary sewer services provided to the site. The Village of Pemberton sanitary sewer service is currently serving the nearby Pemberton Plateau development, and is proposed to be extended to the Sunstone Ridge

Subdivision development site. Again for the purposes of the engineer's design report, it is assumed that municipal sanitary sewer services have also been extended to the Sunstone Ridge site.

Gravity sewer systems will be provided to all development parcels. The gravity sewer mains will be 200-mm diameter and configured generally as indicated in Figure 12, as found in the attached application. Parcels located on the northwest 2/3 of the site will drain by gravity to a pumpstation located west of the railway crossing and north of the railway. The pumpstation will pump effluent to the gravity sewer system that services parcels in the south-east 1/3 of the site. The sewer system will discharge by gravity into the Sunstone Ridge sewer system near the southeast corner of the site. Sewermain alignments will be curved to match road alignments subject to joint deflection limitations. Servicing right-of-ways will be provided as required where pipes are not within road right-of-ways.

Individual 100-mm diameter service connections will be provided to each single-family property. Multi-family properties and the tourist accommodation parcel will have 150-mm diameter services connections. Where individual service connections have to cross private development parcels, appropriate easements will be provided.

Engineering Staff Comment: *A comprehensive sewage supply strategy, to the satisfaction of the Village, will be required before any development is permitted on the subject lands.*

4. Storm Water Management

An integrated stormwater management regime is proposed to manage stormwater flows on the site so that post-development peak stormwater discharge is limited to pre-development levels. This will be achieved through implementation of stormwater Best Management Practices and Low Impact Development principles.

Minimizing impervious surfaces is a key priority for management of stormwater runoff. In this regard, pavement widths will be kept at a minimum, and individual parcel sizes will be relatively large in comparison to those typically found in urban areas.

Stormwater run-off will generally be collected in the roadside ditch system, and discharged to existing ditches or natural drainage channels. Roof gutters will not be connected to a piped municipal storm sewer system and will instead discharge to an on-site disposal system. Soak-away pits will be utilized for perimeter drains. Existing wetlands within and adjacent to the site will be used to detain or retain stormwater to ensure that post-development flows are limited to predevelopment levels.

Engineering Staff Note: *A comprehensive storm water management strategy, to the satisfaction of the Village, will be required before any development is permitted on the subject lands.*

5. Power, Telephone and Street Lighting

The applicant has noted that underground power supply and telephone services will be provided for the site in accordance with Village of Pemberton servicing standards. Street

lighting will be ornamental to match that which is proposed for the adjacent Sunstone Ridge development, and will be designed to Dark Sky standards.

REFERRAL AGENCY COMMENTS

a) Advisory Land Use Commission

The Village's Advisory Land Use Commission met on February 24, 2015 to review the "580" Lands OCP and Zoning Amendment application and give feedback on the overall development concept. At that meeting they passed the following resolution:

Moved/Seconded

THAT the ALUC recommend to Council that support be provided for the application for an OCP Amendment /Rezoning with respect to Concept Plan 2 (without Tourist Accommodation Node included) only, due to:

- The lack of rationale provided for locating a commercial business (hotel/conference centre) in a residential neighborhood, and;
- this type of use is more appropriately located in the Downtown Core, in order to protect & support the Village's Downtown growth as previously supported by Council.

CARRIED

Planning Staff Comment: The agent for the application attended the Advisory Land Use Commission meeting and asked permission to speak to the Commission to offer some background on the application. However, the ALUC did not have the benefit of a comprehensive overview by staff, similar to what has been presented to the Council during the Committee of the Whole Meeting No.127, March 17, 2015. Council may decide to direct staff to make a presentation to the ALUC for their benefit in understanding all the complexities and history of the Hillside Special Planning Area in order to evaluate the current application.

b) CN Rail

The following are some initial comments of immediate concern forwarded from CN on November 14, 2014:

1. There doesn't appear to provide an adequate buffer zone between the railway right-of-way and the development's parallel roads and walking trails.

For example, one of the maps shows a section of proposed trail actually going through railway lands, which is not acceptable. CN had previously identified this concern before in response to previous development referral submissions, yet the development plan still identifies this trail encroachment/proximity issue.

2. The OR108 Biro Subdivision Referral package also shows trails and the road immediately butting up to the edge of railway property, which should be separated by an appropriate buffer zone/protective berm.
3. Additionally, as previously conveyed before in previous subdivision referral review comments by CN, a minimum 6 foot high right-of-way fence (of the chain-link variety) consisting of material that is not easily cut, must be constructed along the full length

of each development on both sides of the railway right-of-way and the crossings, such that trespassing on railway property is prevented.

4. With the Sunstone Ridge Access road paralleling so close to the south side of our right-of-way, is the developer/Village expecting to share our right-of-way ditches to drain their roads?
5. CN would like the Village to consider that at least one of the Biro development roads should continue across the Sunstone development lands and tie into the new road crossing at Mile 98.04, so that a connection to the existing Pemberton Farm Road into the development area can be made. This should be done to ensure that an alternative is provided, just in case either railway crossing is blocked. Please consider this, because CN will not allow another new Permanent at-grade crossing in this area.

Supplemental comments were received from CN on February 19, 2015 which state:

6. There is no mention of proposed fencing or similar requirement; the proposed development with residential on side of the track and community services on the other will encourage trespassing and fencing should therefore be a requirement;
7. As per CN's usual criteria, a covenant for railway noise and vibration will be required on title for each lot;
8. There will be increased pressure on the Pemberton Farm Road East crossing. Given the curves in the road, road sightlines may be insufficient. The Traffic assessment provided in the package covers the crossing, but does not state that upgrades are required;
9. There doesn't appear to be an adequate buffer zone provided between the railway right-of-way and the development's parallel roads and walking trails, and there is even a portion of the trail being shown on the railway lands near Pemberton Farm Road, which is not acceptable;
10. Even the portions of trails and the road immediately butting up to the edge of railway property should be separated by an appropriate buffer zone/protective berm;
11. Pressurized water lines and sewer lines are shown paralleling and crossing the railway right-of-way, such designs must appropriately follow Transport Canada regulations and standards and CN's approval must be obtained provided before installation;
12. A good portion of the development lands are uphill from the ROW; we ask for a declaration from the proponent's engineer confirming that there will be no adverse drainage impacts on CN lands, and that a 100 year storm event will not cause any overland flow to CN lands. To clarify, CN drainage ditches cannot be used for the development's drainage.

CN notes that they will be seeking to consult a revised design that corrects or addresses these issues, and that someone from CN Design and Construction may have supplemental comments including but not limited to drainage and geotechnical aspects.

Planning Staff Comment: *Staff will work with CN Rail to ensure their issues are addressed and their requirements are met.*

c) ISL Engineering

The Village's Consulting Engineer, Graham Schulz of ISL Engineering has reviewed the proposal and offered the following on January 5, 2015:

General Comments

1. All road and infrastructure improvement works shall meet the current Village of Pemberton Subdivision and Development Control Bylaw.
2. Where access or servicing relies upon the completion of other developments, assurances will be required or alternative options will be required. Those assurances should be addressed prior to approval of this rezoning application.
3. Part of the rezoning application process requires an evaluation of the water and sanitary sewer servicing be completed for this project. These computer models must be maintained by the Village to ensure the existing infrastructure is adequately sized to supply sufficient capacity for the developing community. It is recognized that through previous development applications, the Village models have been evaluated and as such, this effort can be minimized. Regardless, the water and sanitary systems require evaluation depending on the servicing scenario ultimately presented.

The following information is to be provided as an independent evaluation:

- AutoCAD based base plan illustrating the onsite collection/distribution system of each utility. Base plan must be referenced to legal cadastral.
- Sanitary catchment plan complete with calculations and expected pipe inverts.
- Water system plan complete with all expected fixtures (fire hydrants, air valves etc. if applicable) and load calculations. Fire Underwriters Survey fire flow calculation sheet under a Professional Engineer's seal.
- Proposed offsite works in AutoCAD format for each utility as supported above.
- Preliminary ground elevations within the development.

Through the servicing evaluation by the Village, looping of the water and sanitary utilities along Highway 99, railway right-of-way or proposed alternative may be necessary or required. In any case, this development will require connection to the Village water and sanitary services.

Roads and Access

4. An updated Traffic Impact Study by a qualified traffic engineer will be required addressing on and off-site road improvements and should include the cumulative effects of the Biro and other pending development activities in the area. The study should

include Pemberton Farm Road up to and including the Highway 99 intersection. At a minimum vehicular, pedestrian and bicycle traffic should be considered.

5. Review, comment and approval from the Ministry of Transportation and Infrastructure and the Ministry of Forests and Natural Resource Operations will be required. Considerations of future logging operations in areas north of the railway tracks may be required and could affect the ultimate road geometry including road structure.
6. Review, comment and approval from CN Rail will be required.
7. The onsite road cross sections provided do not represent variations proposed by other hillside developments and require revision. A development variance will be required for all variances from the current Subdivision and Development Bylaw.
8. Road C (aka Cul-de-Sac #3) requires access through private lands beyond. Should these lands beyond not develop, build-out of these roadways will be required and as such appropriate agreements will also be required. An emergency all weather access west of Road C between Lot 5 and the CN Railway to the primary Biro railway crossing should be considered to provide an alternative egress in the event that the primary railway crossing is not usable. Utilizing a utilities corridor to achieve this connection is acceptable.
9. Road B (aka Cul-de-Sac #2) requires an emergency all weather access to lands beyond is required to provide an alternative egress. Utilizing a utilities corridor to achieve this connection is acceptable.
10. All earthworks including, but not limited to, earth slopes, rock stacks, retaining walls will require certification from a Geotechnical Engineer.

Water Supply and Distribution

11. The proposal qualifies that water storage and portions of the distribution system will be provided by others through alternative development applications. Certainly of these other developments proceeding is unconfirmed and as such an alternative water storage scenario shall be provided.
12. The water servicing concept requires updating to the currently proposed development layout.

Sanitary Connection

13. The proposal qualifies that a sanitary lift station and forcemain to the south limit of McRae Road will be provided by others through alternative development applications. Certainly of these other developments proceeding is unconfirmed and as such an alternative sanitary disposal scenario shall be provided.

14. The sanitary servicing concept requires updating to the currently proposed development layout.

Stormwater Management

15. A Comprehensive Stormwater Management Report will be required as part of development of this site. The report shall include capacity calculations of stormwater runoff from onsite and all offsite drainage with regards to all existing and proposed facilities affected. Drainage facilities that provide stormwater treatment shall be used as part of this development (such as bioswales if supported by geotechnical analysis) and oil and grit separators. Offsite improvements may be required as determined by the Development Engineer as necessary.
16. A geotechnical investigation is required where stormwater infiltration is proposed.

Planning Staff Comment: *These lots currently are subject to a Section 219 (No Build) Covenant; and therefore these requirements will need to be addressed to the satisfaction of the Village once the proponent is ready to proceed with any works.*

d) Lil'wat Nation

The Lil'wat Nation has provided referral comments dated March 13, 2015 and are requesting to be included in any discussion regarding servicing with respect to the proposed development. Otherwise they do not have any other comments at this time, other than the assertion of their inherent aboriginal title to their entire traditional territory (Lil'wat Nation's asserted aboriginal rights, including title, are protected under s. 35 of the *Constitution Act, 1982*).

e) Ministry of Forests, Lands, and Natural Resource Operations - Forests

The Ministry of Forests, Lands, and Natural Resource Operations (MFLNRO) acknowledged on November 17, 2014 that the Forest Service Road (FSR) that extends beyond the turnoff to the proposed development still accesses a critical area from a harvesting perspective. Recently, BC Timber Sales has expressed their intentions of harvesting some wood above this area which would utilize this FSR. The Ministry wanted to iterate the importance to the Village that the industrial use of this road not be overlooked during the review of this development, and MFLNRO be kept in the loop as they have many problematic examples of residential areas being developed in close proximity to FSR's.

Planning Staff Comment: *The Village will follow up with the Ministry of Forests, Lands and Natural Resource Operations to discuss ways to mitigate potential conflict over the use of the FSR by both industrial and residential users.*

f) Ministry of Forests, Lands, and Natural Resource Operations – Species at Risk (Formerly Ministry of Environment)

The Provincial MFLNRO's Species at Risk Biologist for the South Coast Region, Kym Welstead, forwarded to Planning Staff on March 31, 2015 a copy of the draft factsheet for Sharp-tailed

Snakes which outlines the Ministry's expectations in term of due diligence under the *Wildlife Act*. This draft factsheet is attached as **Appendix E**.

Planning Staff Comment: *Staff wants to ensure that the Village does everything within its jurisdiction to help mitigate any concerns arising from Sharp-tailed Snake. Staff will forward a copy of the Ministry's draft factsheet for Sharp-tailed Snakes outlining environmental guidelines for urban and rural development to the proponents, as it is the landowner's responsibility to comply and do their due diligence under the Wildlife Act.*

g) Pemberton and District Chamber of Commerce

The Directors of the Pemberton and District Chamber of Commerce informed the Village on November 11, 2014 that it had reviewed the rezoning application and had no comments.

h) Pemberton Valley Dyking District (PVDD)

The Board of Trustees informed the Village on October 22, 2014 that it had reviewed the rezoning application and had no comments. When the subdivision progresses to that stage the trustees will be interested in reviewing a comprehensive storm water management plan for the development.

i) Stewardship Pemberton

Stewardship Pemberton reviewed the application materials and offered a comprehensive response in the form of the appended spreadsheet labelled **Appendix F**, dated March 25, 2015.

The key points offered by Stewardship Pemberton are as follows:

- The property has not adequately addressed species at risk- such as Western Toads, Rubber Boa and Sharp-tailed Snakes.
- Additional work needs to be done to identify habitat areas, rate the habitat value and quantify it.
- Habitat areas should be mapped, and overlaid with development plans. Where development plans intersect with habitat, mitigation plans should be enacted.
- Where risk and effect cannot be appropriately mitigated, other strategies, such as compensation can be reviewed.

Planning Staff Comment: *Staff wants to ensure that the Village does everything within its jurisdiction to help mitigate any concerns arising from Sharp-tailed Snake. Staff will forward a copy of the Provincial draft factsheet for Sharp-tailed Snakes outlining environmental guidelines for urban and rural development to the proponents, as it is the landowner's responsibility to comply and do their due diligence under the Wildlife Act.*

j) Squamish-Lillooet Regional District (SLRD)

The SLRD reviewed the rezoning application and offered the following comments on November 4, 2014:

Alignment with RGS

The SLRD review of the referral confirmed that there are no inconsistencies with this application from a regional planning and land use perspective. The area is within the designated *Future Growth Node* in the SLRD RGS, the proposed use is adjacent to other urban areas, and is aligned with the Village of Pemberton's Regional Context Statement.

Parks and Trails

The SLRD said that they were disappointed by the park dedication component of the application, which appears to include the wetland and riparian set-backs, areas that in their opinion should be left free of development as a matter of good planning. The SLRD writes, "it does not appear that any play areas or public open space has been incorporated into the planning and we believe that a more substantial park provision should be required." They also note that the application might benefit from the inclusion and/or reference to the Proposed Trail systems, found within the Village's OCP, that are adjacent to the project but not mentioned in the application

Solid Waste Management

The SLRD felt that Solid Waste Management was another aspect missing from the application. The SLRD was interested to know how solid waste management would be handled on-site (private collection, localized recycling/diversion opportunities, or an expectation that residents take their garbage, organics and recycling to the Pemberton Transfer Station). The SLRD needs further information in order to plan adequately for solid waste management services. They write, "*Further, if the waste from the development will not be handled privately, curbside collection needs to be taken into account in the design of roads, driveways, and on-street parking, as this service will [may?] be provided in Pemberton at some point in the future.*"

Connectivity

In terms of project design, the SLRD supports the inclusion of cut-through paths for pedestrians and cyclists within the residential cul de sacs. To further support connectivity, whether in this phase of the project or future phases, the project would benefit from the acknowledgement and/or inclusion of the main recreational trails, as identified by the Pemberton Valley Trails Association.

Environmental Assessment

The SLRD has concerns regarding the time of year the Environmental Assessment was completed; the Environmental Assessment done in March 2013 would have missed many species, especially amphibian. It might be beneficial to consult with the Stewardship Pemberton Society to ensure critical species were not missed in this Environmental Assessment.

Planning Staff Comment: *As per the SLRD recommendation, the application was referred to Stewardship Pemberton for comment on February 24, 2015.*

COMMUNICATIONS

Referral of the application to the standard list of community groups/organizations/specific interest groups as well as potentially impacted provincial agencies was undertaken.

Subject to Section 890 of the *Local Government Act (LGA)*, a public hearing must be held for both the OCP and the Zoning Amendment Bylaw, after first reading of the bylaws and before third reading. Notice of the Public Hearing will be given as per s. 892 of the *LGA*.

In addition, if deemed beneficial by Council, additional public outreach may be facilitated through "Have Your Say" sessions, such as a town hall meeting, open house, or survey.

LEGAL CONSIDERATIONS

The processing of an OCP Amendment and Rezoning application is regulated by various sections contained in Part 26 of the (*LGA*) and by the Village's Development Procedures Bylaw 725, 2013, as amended from time to time.

IMPACT ON BUDGET & STAFFING

The research and preparation of this report is a component of the daily work undertaken by the Operations & Development Services Department. All costs associated with the processing of this application, including staff time, are recoverable from the applicant's fees as per the Village of Pemberton Development Procedures Bylaw 725, 2013, as amended from time to time.

INTERDEPARTMENTAL IMPACT & APPROVAL

There is no interdepartmental impact or approvals required respecting the processing of this application as it is a function of the Operations and Development Services Department.

ALTERNATIVE OPTIONS / NEXT STEPS

This report is being submitted to the Committee of the Whole for information purposes, and to allow discussion as to next steps.

Possible options include:

- a) Direct staff to proceed to the next stage of preparing amending bylaws based on this application for Council's consideration;
- b) Direct staff to give the proponents an opportunity to address issues raised by referral agencies, the ALUC and staff before bylaws are presented for Council's consideration;
- c) Direct staff to present additional information to the Advisory Land Use Commission (ALUC) so that they may fully understand the context and background of the proposed land use changes, before bylaws are presented for Council's consideration.

Council may choose from this list, combine any of these suggested recommendations or create their own direction.

POTENTIAL GOVERNANCE CONSIDERATIONS

Responding to the proposed OCP and Zoning Amendment Applications is consistent with Strategic Plan Priority 1: Economic Vitality to foster investment within the Village and Priority 3: Excellence In Service through the continuation of delivering quality municipal services by processing development applications efficiently.

RECOMMENDATIONS

THAT the Committee of the Whole receives the information and provides direction to staff as to Council's preferred next steps with respect to the application for OCP/Zoning Amendments submitted by 580049 Ltd. for a Hillside Mixed Use Development.

Attachments:

Appendix A – Hillside Lands, Pemberton Planning Status Report, July 2011
Appendix B – Section 219 (No Build) Covenant, CA2723154, July 2012
Appendix C – Keystone Environmental Memorandum, September 15, 2014
Appendix D – Application, submitted September 18, 2014
Appendix E – Draft factsheet for Sharp-tailed Snakes, Environmental Guidelines for Urban and Rural Development, March 30, 2015
Appendix F - Referral Comments from Stewardship Pemberton, March 25, 2015



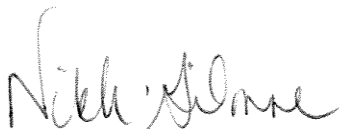
Lisa Pedrini
Planner

MANAGER:



Peter Neff
Manager of Operations and Development Services

CHIEF ADMINISTRATIVE OFFICER REVIEW



Nikki Gilmore, Chief Administrative Officer



**HILLSIDE LANDS, PEMBERTON
PLANNING STATUS REPORT**

**Village of Pemberton
July 26, 2011**

1.0 BACKGROUND

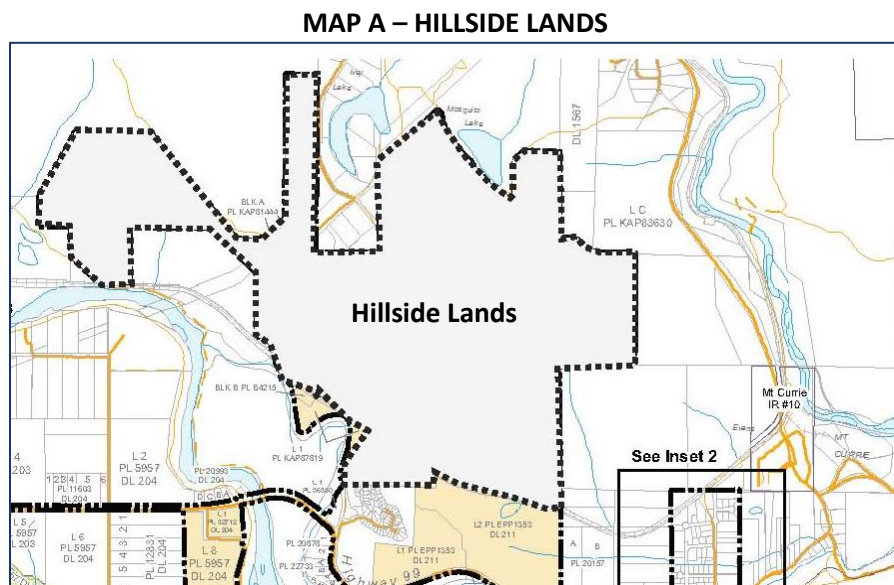
The Village of Pemberton, in consultation with the Lil'wat Nation, the provincial government and the Squamish Lillooet Regional District has designated certain lands within the municipality to accommodate future growth of the community. The process to designate these lands for urban-type development was the recommendation of the Pemberton and Area Sub-Regional Land Use Planning Study (2007) which then informed the Area C Official Community Plan (2008), and the Squamish Lillooet Regional District's Regional Growth Strategy (2010).

The Sub-Regional Planning Study provided the overall policy directions within the Regional Growth Strategy as to manage the long-term urban growth in the Pemberton-Mt. Currie area together with a clear process for establishing a Village of Pemberton urban growth area. The area has since been designated for such purposes in the Regional Growth Strategy; incorporated into the Village's boundary; and been subject to a comprehensive servicing plan for the entire Hillside area.

This report provides background information to the OCP amendment that particularly considers the incorporation of the Hillside Lands into the Village's Urban Growth Boundary. The report recognizes the information available which provides the basis for the OCP policies and designations related to land, planning as to guide the development of the Hillside Lands. This report provides the background while the OCP amendment provides the policies to ensure that the growth node is developed in a manner that is consistent with principles and policies of the Village's Official Community Plan.

2.0 HILLSIDE LANDS

The Hillside Lands are identified in *Map A* below. The boundaries of the Hillside Lands include all of the privately held lands along the south facing slope that were part of the Village's 2011 boundary extension. The lands that have not been included are those lands that are part of the Agricultural Land Reserve, except for a portion of Lot 1, KAP87819 situated immediately south of the Canadian National rail line, west of the proposed independent school and east of Pemberton Farm Road East.



3.0 LAND USE FRAMEWORK

Development within the Hillside area shall be in accordance with the policies, directions, strategies and designations of the Village's Official Community Plan. Several amendments to the OCP will be required to recognize the Hillside lands' constraints, designations, amenities, connectivity, servicing connections and phasing. The more detailed requirements notably specific land use designations, development permit designations and other amenities will be addressed in subsequent site specific OCP amendments.

Therefore, despite the directions of initial Hillside Area OCP amendment, applications for individual development parcels will still require OCP and zoning amendments, as initiated by the land owners or their designates.

3.1 Site Constraints

The following provides an overview of the status of the Hillside Lands' site constraints to development that include the natural environment, archaeological and cultural sites, geotechnical and slope stability, Agricultural Land Reserve, wildfire protection, and visual impacts.

a) Natural Environment

The subject lands are located on a south facing hillside of the Pemberton Valley situated on the north side of the Lillooet River, facing Mt. Currie. The area is characterized by a rocky ridgeline which bisects the site from west to east. There are several watercourses on the lands including the shoreline of Mosquito Lake, the Ivey Lake drainage and ephemeral wetlands and streams. Wildlife known to the area include deer, northern goshawk and rubber boa as well as black bear, red-tailed hawks, ravens and the northern alligator lizard.

Bedrock has been glacially scoured producing smooth rounded forms. The rock faces dispersed throughout the site are unforested areas with scrub, mossy and grassy bedrock outcrops. The remaining lands comprise a diverse coniferous, deciduous and mixed forest in an array of successional stages. The Hillside has been mapped as part of the Interior Douglas Fir warm wet (IDFww) biogeoclimatic zone (the adjacent valley bottom is identified as coastal Western Hemlock southern dry subarctic (CWHds1). The area provides strong evidence of human-made environments including logging, quarries, trails, roads, ditches and areas of fill.

The lands south of the CN Rail line are currently designated within the Agricultural Land Reserve and are low lying. The lands between the independent school site and Pemberton Farm Road West are currently cleared and used for quarrying and gravel processing activities.

b) Archaeological and Cultural Sites

An Archaeological Impact Assessment (AIA) was completed the southern half of the Hillside Lands' property. The report undertook the following: identified and evaluated any found archaeological sites; discussed possible impacts from proposed development; and provided recommendations regarding the need and scope for further archaeological studies and viable alternatives for managing impacts. The AIA undertook more than 250 subsurface tests and confirmed the known site EbRq-15 consists of two petroglyphs.

Future development in and around EbRq-15 shall not encroach within 20 m of the site and the mountain bike trails close to the site shall be re-routed. An AIA is required for the remaining lands (not included in the AIA of Phase One of the Sunstone Development) prior to any consideration of land use designations, rezoning or subdivision.

c) Geotechnical Considerations and Slope Stability

The Hillside area bedrock is mapped as the Cadawallader Group (Woodsworth 1977) volcanic arc assemblage consisting of metamorphic equivalents of volcanic flows and marine sedimentary rocks, which translates to bedrock terrain with thin or negligible soil cover with significant pockets of granular soil. The Sub Regional Planning Study has mapped areas with high geotechnical hazard whereby the Official Community Plan (Map L) has identified lands with slopes greater than 40%.

The Hillside lands do not appear to have any areas with high geotechnical hazard, yet have several areas with steeper slopes. In particular along the rocky ridgeline that bisects the area and west of Ivey Lake. Policies regarding development on steep slopes are included in the Official Community Plan n development permit area guidelines.

d) Agricultural Land Reserve

The Hillside lands are not within the Agricultural Land Reserve, except for the lands immediately south of the CN Rail line. The Village will not consider a non-agricultural land use designation for these lands unless approval has been granted by the Agricultural Land Commission.

e) Wildfire Protection

The Village of Pemberton has prepared a Wildfire Protection Plan which has identified portions of the Hillside Area as high or extreme wildland fire risk. Any development in this area will be designated a development permit area for protection from wildfire.

f) Visual Impacts

The Hillside Lands will provide incredible views for the new residents; however, it is also important that the development does not create a negative visual impact from publicly recognized view corridors. At rezoning, specific development proposals shall provide photographs and/or view analysis details recognizing potential visual impacts to the site of not only the buildings but also the potential disruption from constructed roads and servicing corridors.

The public view corridors are illustrated in *Appendix A* for the following public view points/corridors:

- Highway 99 at Clover Road (looking north east)
- Highway 99 at the Lillooet River Bridge (looking north east)
- Pemberton Farm Road East (looking north and north east): and
- Festival Site along Highway 99 (looking north-west)

Development along the top of the ridge and skyline shall be avoided (roof pitches should not be visible or break up the ridge or sky line). There should be recognition of visual impacts of the proposed development both the summer and the winter months. Any outdoor lighting must be down-shielded and not illuminate areas unnecessarily.

g) Recreational Trails

The Hillside Area is known regionally for its incredible trails, used for mountain biking, hiking, jogging and equestrian. There Hillside area has close to 20 trails/abandoned roads that provide a significant recreational value to both residents and visitors.

The following outlines the draft policy identified in the Sea to Sky Corridor Recreational Trail Management Plan and the Pemberton and Area C Trails Master Plan in the consideration of existing trails in the Sea to Sky Corridor. In addition to ongoing support by local and provincial governments, the policy statement indicates:

- Require that when new development or resource uses occur in proximity to existing trails, the trail amenity be protected through best practices in planning, design and management;
- Only consider the rerouting or redevelopment of an existing trail when protection is not possible due to the pending impacts of new development or resource uses and where the proposed changes has been deemed necessary to achieve other important community objectives;
- Guarantee a net gain to the overall quality, quantity and/or experience of the trail network in the rerouting and redevelopment of existing trails;
- Apply an experience-based (fun, trail users, scenery, challenge, etc.) rather than only a quantity (length of trail)based approach in the planning and development of new trails
- Require that any cost of completing any replacement trails will be borne by the property owner or resource use licensee;
- Agree to the rerouting or redevelopment of discontinued trials for the replacement trail must be secured prior to final approval of the new land development or resource uses;
- Cash-in- lieu for trail development will only be considered when it is deemed acceptable by the local municipality;
- Incorporate the net gain for trails approach into an amenity agreement/density bonus policy recognized in municipal Official Community Plans, triggered in conjunction with rezoning and development applications; and
- Work with advisory groups to identify potential trail network expansion and/or enhancement areas that are consistent with, and can be incorporated into, integrated land use processes, regional or municipal plans.

Any developments on the Hillside shall address this policy as it relates to the net gain of trails in the area.

h) Rock Climbing and Bouldering

There is a small rock face used for rock climbing and bouldering on the Hillside Lands. The amenity is situated immediately north of the CN Rail line on a portion close to the southern exit of the Mission Impossible trail. Development could consider the protection of this route, as it is somewhat isolated from the more developable portions of the site.



3.2 Development Potential

The Official Community Plan recognizes that the Village has many constraints in identifying areas suitable for new development, whether it be lands designated as Agricultural Land Reserve, steep slopes, flood plains or riparian areas. It is likely due to these constraints that the Village has achieved a relatively compact development footprint. The Sub-Regional Planning Study indicates that given Pemberton's rate of growth, the population will outgrow the existing footprint in 10-20 years, and the only appropriate locations for new urban growth will be on lands with moderate slopes out of the valley bottom such as the Benchlands and the Hillside area.

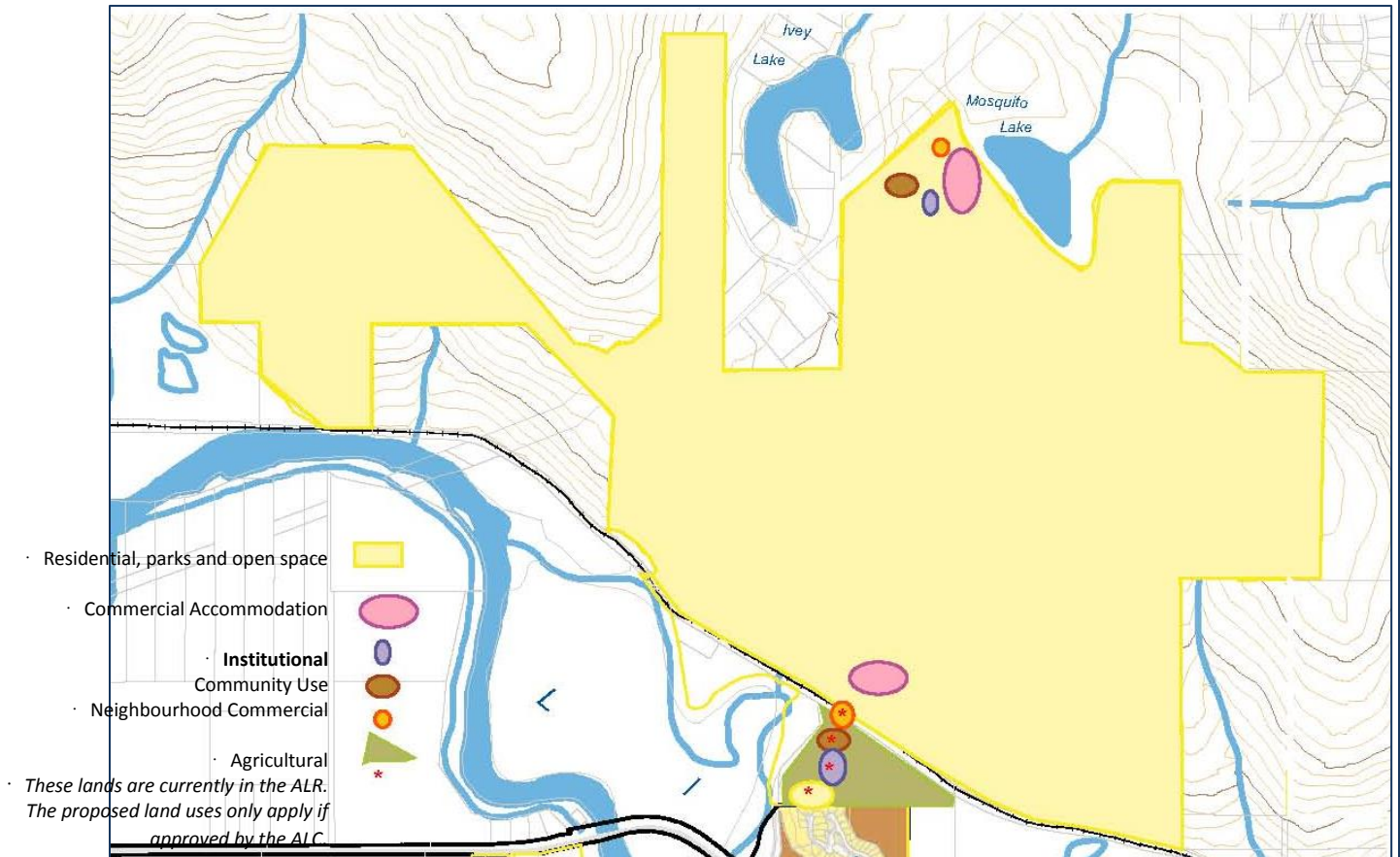
The OCP's planning direction which states that *Growth is Managed with Community Priorities* sets down corresponding policies to be adhered to when considering new development areas. The proposed Hillside lands at build-out have the potential to accommodate approximately 2,100 units (lands identified in RGS). The remaining lands within the Village of Pemberton boundaries will comprise approximately 2,100 units (which includes 1,100 approved but not developed units in the Benchlands, Signal Hill/Tiyata and other infill properties). These unit counts do not include the existing units in and around Ivey Lake and Reid Road or the Pemberton North Improvement District (currently within the SLRD). Once construction commences it is anticipated that the total build-out of Hillside area will exceed 20 years.

The Hillside Lands are anticipated to be a satellite neighbourhood slightly distanced from the existing urban area, yet with the opportunity to be a well-designed compact neighbourhood integrated with open areas as well as existing and proposed land uses such as the Pemberton Plateau subdivision, independent school, Pemberton Industrial Park and Mount Currie. The challenge in the development will be to maximize densities while not compromising the natural features and viewscape of the lands.

The Hillside Lands provide undulating terrain that will comprise a series of developable pods. For the most part the predominant land uses on the sloping site will be residential, parks and open spaces. As noted in the Official Community Plan, downtown is to continue as the dominant commercial node as well as the cultural and social focal point. Regardless, other areas within the Hillside Lands have some potential for additional uses such as commercial accommodation (resort/hotel/lodge), institutional (churches, education) and/or community uses (recreation, leisure facilities, emergency services) and limited neighbourhood commercial (to serve the needs of the neighbourhood). The

actual location of these land uses have been generally identified in *Map B*. The definitive location of the individual land uses shall be determined with each phase of development.

MAP B – CONCEPTUAL LAND USE



3.3 Site Planning and Density

The Sub-Regional Planning Study has identified a minimum gross residential density of 5.25 units per hectare. As noted previously, the site has several areas that should not be developed primarily due to steep terrain, trail alignments or preservation areas (riparian or archaeological). The challenge will be to maximize site densities without compromising the natural character of the site. The Village encourages specific developments to incorporate innovative site design principles (such as clustering, conservation design and site specific zoning) to retain the integrity of the lands while meeting projected density targets. Reduced densities will only be considered if it is to preserve the natural character or amenities of the site.

3.4 Development Permit Areas

The Hillside Lands will be designated in the OCP (in accordance with Section 919 and 920 of the *Local Government Act*) as Development Permit Areas for the purposes of environmental protection, land constraints (steep slopes, wildfire interface zones), enhancement of agricultural (on or abutting ALR lands) and form and character of development (intensive residential and multi-family/commercial development). The Development Permit Area Guidelines currently exist in the Official Community Plan.

3.5 Subdivision

In accordance with the *Land Title Act*, any subdivisions must be approved by the Approving Officer and be in accordance with municipal policies and bylaws.

4.0 COMMUNITY AMENITIES

The Village currently has a Community Amenity Policy that is intended to collect payments for a Community Amenity Reserve Fund. The existing charge imposed is \$9165 per single family unit and \$6060 per multifamily unit. The Village has provided a ball park estimate for the potential generation of the amenity charge of approximately \$16 million. This calculation made the assumption that approximately 2100 units (being 50% single family/50% multifamily) at the current charge out rate would be approximately \$15.98 million (\$9.62 million + \$6.36 million).

It is the intent that the Village develop provisions for amenity zoning (density bonusing) for the site. As a result the Village will consider rezoning the lands for density provided certain community amenities are either provided by the developer or a cash payment is received. The Community Amenity Policy costing will continue as a benchmark for the market value of such community enhancements and/or contributions. In accordance with the *Local Government Act* as recognized in Schedule B of the OCP, the Village has identified those amenities recommended through community consultation. In reviewing this listing it appears that the following top priorities could potentially be addressed in the Hillside development:

A community arena and/or indoor pool – A significant community amenity would be the provision of a site and/or delivery of the facilities (either through financial contributions or construction) and/or ongoing operations through joint use agreements with institutional or accommodation uses. The owners of the site legally described as the southern half of Lot 1, EPP 1353, and DL 211 have previously indicated that these lands could be dedicated to the Village for recreation purposes. The Village will be undertaking a planning process that provides more details with regard to this potential amenity, in addition the use of the lands for non-agricultural purposes would need to be approved by the ALC.

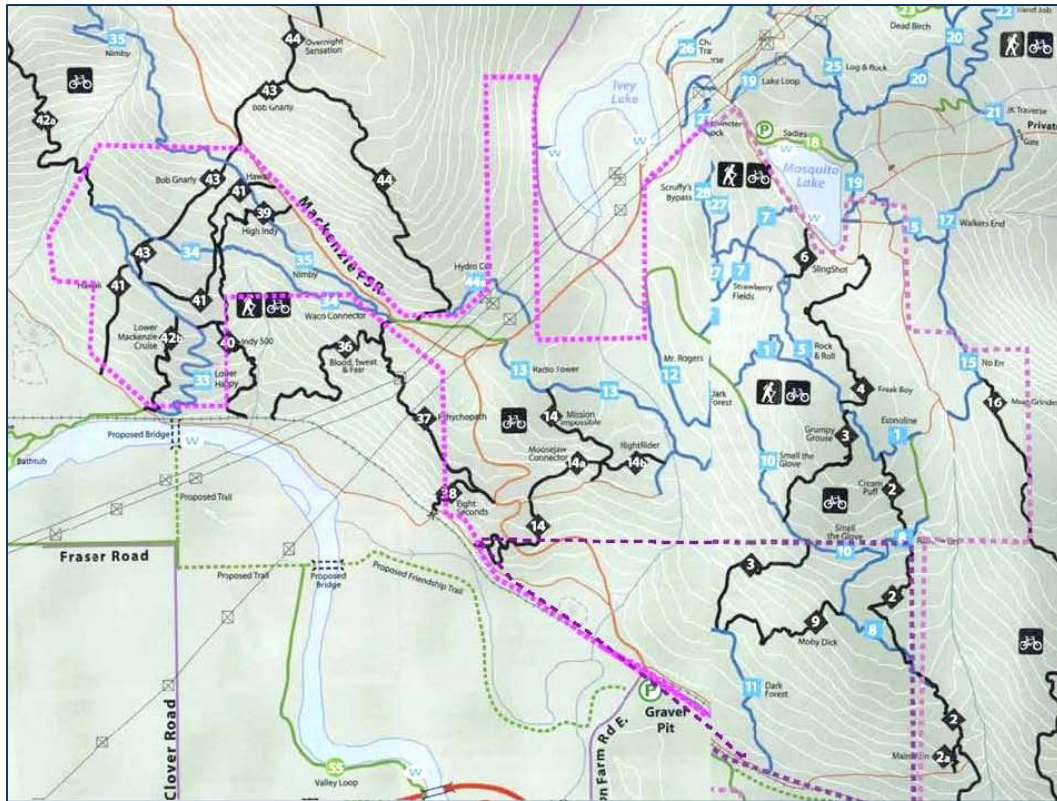
Public Washrooms – These facilities could be incorporated into other recreation amenities.

Multi-Use Sports Fields – A facility to host large sporting events and may include all season fields and lighting for evening/night time use and year-round/all season use.

Recreation Trails – The majority of the trails are located on the upper half of the Hillside as prior to the transfer of these lands to the Lil'wat Nation they were Crown lands. The Lil'wat and the Pemberton Valley Trails Association currently have a management agreement for the trails. Any development on the Hillside should secure the integrity of the Mosquito Lake area trails in accordance with the No Net Loss of Trails policy and involve consultation with the Pemberton Valley Trails Association. There is also an existing rock climbing and bouldering route near the lower route of the Mission Impossible trail. The trails in the area are indicated in Map C.

The Trails Master Plan also indicates that certain trailhead improvements are needed to serve the recreational trails, notably map kiosks, parking and public washrooms. Improved trailheads would be valuable near Mosquito Lake and in the valley (i.e. Pemberton Farm Road West).

MAP C – EXISTING TRAILS



Friendship Trail – The proposed Friendship Trail highlighted in the Pemberton and Area C Trails Master Plan is intended to travel immediately south of the Hillside Lands and CN Rail right of way from Mount Currie en route to the Village including a bridge crossing over the Lillooet River. The proposed trail would be an important amenity for both the future residents of the Hillside area as it would provide a direct and safe non-vehicular route to the downtown. The trail is important as it also provides a safe commuting and recreational route for residents of the Village, Area C and Mount Currie (Lil'wat Nation).

Community Garden and/or Greenhouses – The provision of common gardens would be a great community amenity, for the new residents or community-wide.

Affordable and Special Needs Housing – The Village's Affordable Housing Strategy recognizes the importance of providing a range of housing opportunities and price points for the community. Secondary suites are encouraged.

Other priorities include an outdoor skating rink, squash/racquet ball courts, curling rink, track, indoor tennis, equestrian stadium and clubhouses at playing fields

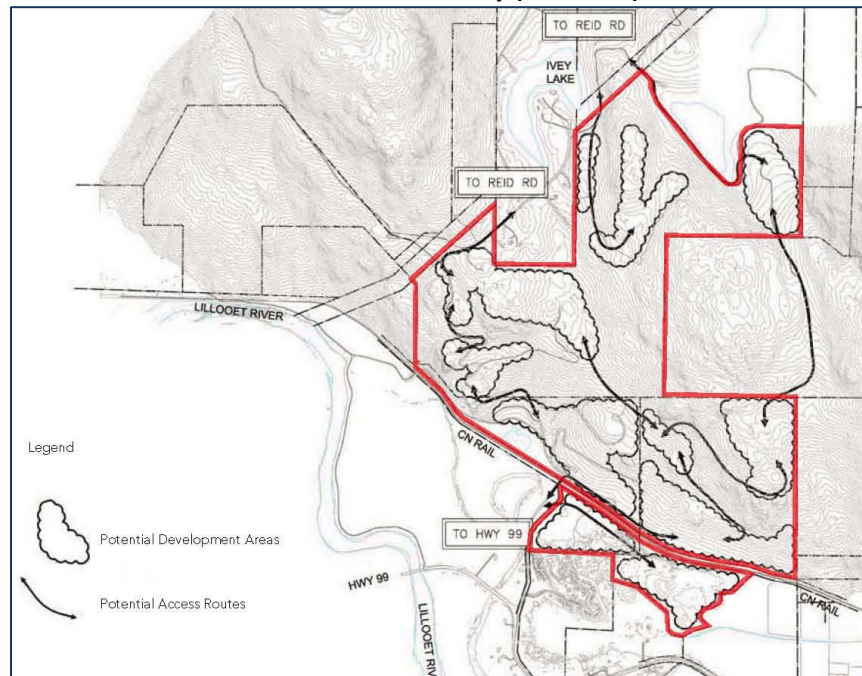
5.0 CONNECTIVITY

Neighbourhood Connectivity – Given the undulating and sloping terrain, the Hillside area will be developed in pods. Each of these areas shall have pedestrian trail connections through the site, leading to Highway 99 and the proposed Friendship Trail as well as Mosquito Lake and Reid Road. The neighbourhoods should also be safe for residents to walk within.

It also should be a priority that the individual subdivisions be linked by roads both for vehicular connectivity (subject to the impact such connections may have on the natural character of the site and visual impacts) and emergency access (refer to Map D below). The Village's Subdivision and Development Control requirements will be applicable but will also consider alternative Hillside Road standards to minimize the impacts of the road development on the natural landscape and views to the site. The area may consider strata subdivisions to reduce site disruption, where they also facilitate vehicular connectivity.

Pemberton Connectivity – The Hillside area will require certain improvements to incorporate the lands into the existing transportation network. In particular, CN Rail will need to approve of any new or improved crossings and the Ministry of Transportation and Infrastructure shall approve of the highway intersection improvements (both of these agencies should be consulted with regard to their requirements). In addition, the neighbourhoods must be planned in the long term to provide vehicular and trail connections from Highway 99 including at minimum an emergency access developed to Reid Road. It should be also recognized that active logging still occurs in the Mackenzie Basin area and therefore consultation with Ministry of Forests will be required.

MAP D – Connectivity (East Side)

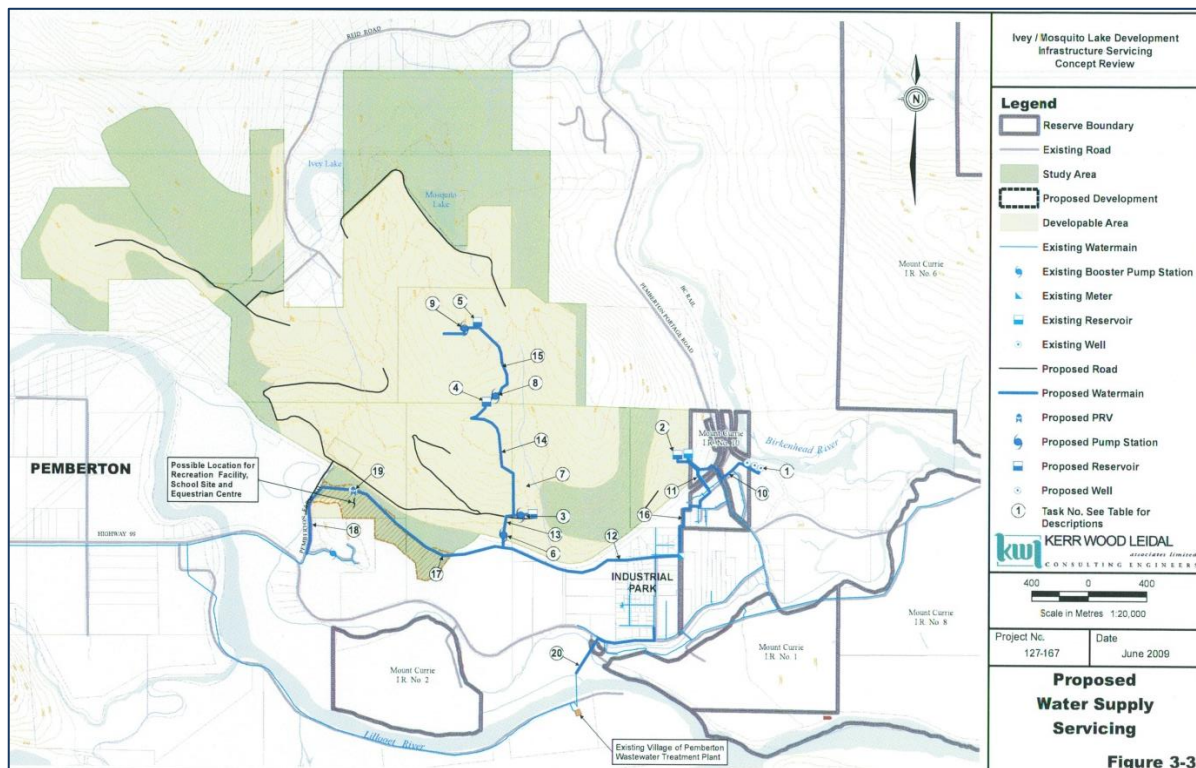


6.0 SERVICING

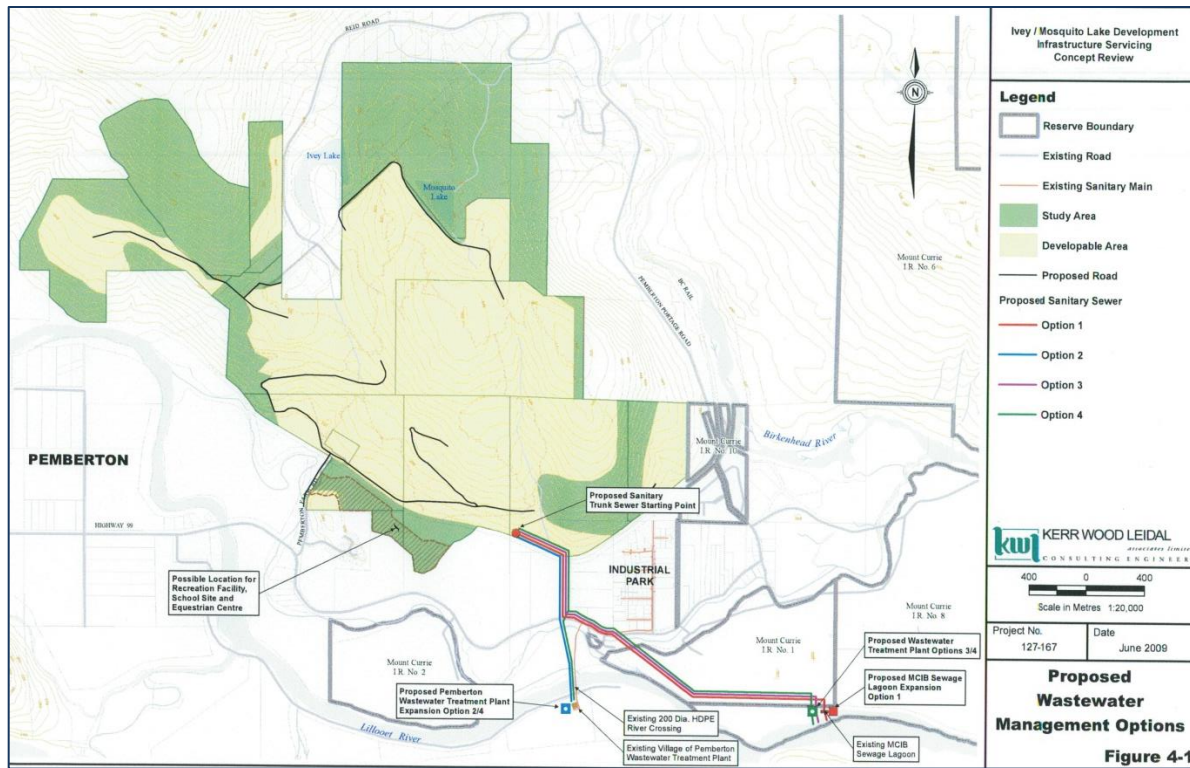
The Ivey and Mosquito Lake Development Concept Servicing Report (2009 Kerr Wood Leidal) reviews the options for primary water supply and wastewater treatment and disposal for the Hillside Lands (in addition to several additional parcels that are not yet within Village boundaries). The report examines the potential for water and sanitary connections to the existing infrastructure of the Village of Pemberton or the Lil'wat Nation as well as other infrastructure such as major road access, storm water management and utilities. It is also possible given the significant off-site investments that the initial development phases will need to commit to, it is likely that an agreement to recoup a fair portion of these costs in later phases will be considered (i.e. latecomer's agreement).

The concept plan for water and wastewater (Map E and Map F, respectively) indicate that servicing would most logically be initiated on the lower development parcels. Any parcel specific development shall not only refer to the findings of the Servicing Report and coordinate with other Hillside area landowners but also consult with both Lil'wat and the Village of Pemberton before developing site specific servicing options.

MAP E – PRELIMINARY WATER ROUTING



MAP F – PRELIMINARY WASTEWATER ROUTING



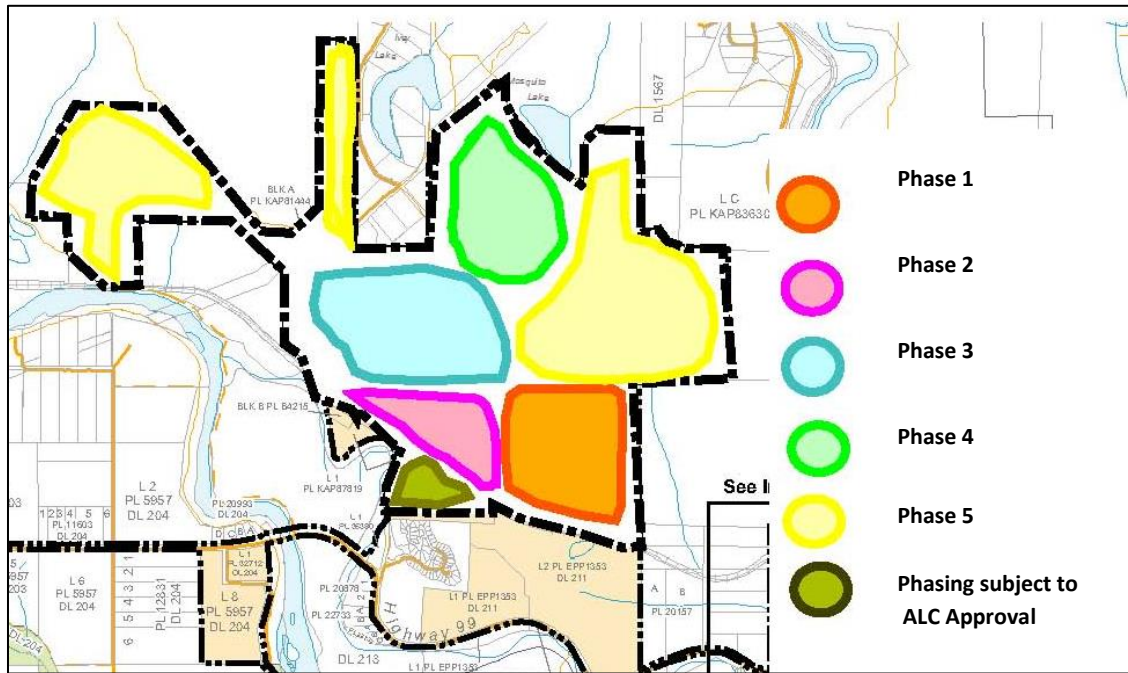
7.0 PHASING

The phasing of the development of the Hillside Lands shall consider the most logical approach given land use, servicing and property interests. The Ravenscrest property has completed the most significant work in terms of fulfilling the Village’s development application requirements including an environmental inventory and archaeological investigations. The Village expects to have a formal rezoning application from the owners/agents of this property in the near future.

In addition, the lands immediately to the west of the Ravenscrest holdings (the northern half of Lot 1, EP, DL 211) have undertaken significant quarrying works on the property and for the most part the site is significantly disturbed. From a land use perspective it appears reasonable that these lower parcels proceed first. The Conceptual Servicing Report also recognizes that from a design and capital investment perspective, the Ravenscrest and Sabre properties should be in the initial phases of the Hillside development. It is not anticipated that the neighbourhood commercial development will be needed until there is a justifiable service population (neighbourhood commercial is defined in the OCP land use designations).

The phasing is reflected in the OCP Amendment as only the lower parcels have been included in the Urban Growth Boundary. The owners of the remaining Hillside Lands will be considered for inclusion in the Urban Growth Boundary once an environmental inventory and archaeological investigations have been completed. The phasing plan is noted in Map G.

MAP G – PHASING PLAN



8.0 APPROVAL PROCESS

The lands comprising the Hillside area must meet the Village’s development review processes including but not limited to amendments to the OCP and Zoning Bylaw; Development Permit issuance; Servicing Agreements; and Subdivision. The individual phases of development shall be in accordance with the Village’s OCP (including the Hillside amendments) and this planning report. The Hillside area policies and planning directions have also been incorporated into the relevant sections of the Village’s OCP.

Status: Registered

Doc #: CA2723154

RCVD: 2012-08-17 RQST: 2014-01-27 14.44.01

FORM_C_V18 (Charge)

KAMLOOPS LAND TITLE OFFICE

LAND TITLE ACT
FORM C (Section 233) CHARGE
GENERAL INSTRUMENT - PART 1 Province of British Columbia

Aug-17-2012 12:00:32.001

CA2723154

1340735567 PAGE 1 OF 6 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

Ian Terence Davis 3UXBSR
Digitally signed by Ian Terence Davis 3UXBSR
CN: c=CA, ou=Ian Terence Davis 3UXBSR, o=Lawyer, ou=Verify ID at www.juriset.com/LKUP.ctm? id=3UXBSR
Date: 2012.08.17 11:48:27 -0700

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

Race & Company

Shelley Key, Authorized Agent

File No.: 47269

201-1365 Pemberton Avenue, PO Box 1850

Squamish

BC V8B 0B3

Phone: 604-892-5254

Document Fees: \$72.50

Deduct LTSA Fees? Yes

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

027-701-522

LOT 1 DISTRICT LOT 211 LILLOOET DISTRICT PLAN KAP87819

STC? YES

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Covenant

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) Filed Standard Charge Terms D.F. No.

(b) Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

580049 B.C. LTD. (INC. NO. BC0580049)

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

VILLAGE OF PEMBERTON

7400 PROSPECT STREET, PO BOX 100

PEMBERTON

BRITISH COLUMBIA

V0N 2L0

CANADA

7. ADDITIONAL OR MODIFIED TERMS:

N/A

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

Execution Date

Transferor(s) Signature(s)

Derek McLauchlan

Barrister & Solicitor

215-8171 Cook Road
Richmond, BC, V6Y 3T8

Y	M	D
12	07	09

580049 B.C. Ltd.
by its authorized signatory(ies):

Print Name: Werner Karl Biro

Print Name:

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

Suzanne Belanger
Commissioner for Taking Affidavits in BC
7400 Prospect Street
Pemberton, BC, V0N 2L0

Y	M	D
12	07	19

Village of Pemberton
by its authorized signatory(ies):

Print Name: Sheena Fraser

Print Name: Jordan Sturdy

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

THIS AGREEMENT MADE THIS _____ day of June, 2012

BETWEEN:

580049 B.C. Ltd., a corporation having its registered and records office located at 215- 8171 Cook Rd, Richmond, B.C., V6Y 3T8

(hereinafter called the "Covenantor")

OF THE FIRST PART

AND:

VILLAGE OF PEMBERTON, a Municipality duly incorporated under the laws of the Province of British Columbia, having an address at 7400 Prospect Street, Pemberton, BC V0N 2L0

(hereinafter called the "Covenantee")

OF THE SECOND PART

WHEREAS:

- A. The Covenantor is the registered owners of ALL AND SINGULAR that certain parcel or tract of land and premises situate lying and being in the District of Squamish, in the Province of British Columbia, and more particularly described as:

Lot 1 District Lot 211 Lillooet District Plan KAP 87819

Parcel Identifier: 027-701-522

(hereinafter called the "Lands");

- B. The Covenantor intends to subdivide the Lands in accordance with the proposed subdivision plan attached as Schedule "A";
- C. Section 219 of the Land Title Act provides that there may be registered as a charge against the title to land a covenant, whether of a negative or positive nature, in respect of the use of land or the use of a building or to be erected on land, in favour of a Municipality or the Crown.
- D. The Covenantor has agreed to restrictions on the use of the Lands.

NOW THEREFORE THIS AGREEMENT WITNESSETH that pursuant to Section 219 of the Land Title Act, and in consideration of the sum of One Dollar (\$1.00) now paid to the Covenantee by the Covenantor (the receipt and sufficiency where of is hereby acknowledged), the parties hereto covenant and agree each with the other as follows:

1. The Covenantor, on behalf of itself and its heirs, executors, administrators, successors and assigns, hereby covenants and agrees with the Covenantee, as a covenant in favour of the Covenantee pursuant to Section 219 of the Land Title Act, it being the intention and agreement of the Covenantor that the provisions hereof be annexed to and run with and be a charge upon the Lands, that from and after the date hereof that the Covenantor shall not build, place or erect or permit the building, placement or erection of any buildings, structures or improvements on the Lands, nor shall the Covenantor apply for or be permitted to apply for a building permit or be entitled to a Development Permit, unless and until the Covenantor complies with the following requirements :
 - (a) Dedicate or transfer to the Covenantee park land equal to 5% of the land mass of the Lands from the Lands or other property, in any event to be satisfactory to the Covenantee;
 - (b) Pursuant to the Covenantee's Community Amenity Contribution Policy, contribute \$9,165 per building lot and \$6,110 per multiple family dwelling to the Covenantee ;
 - (c) Perform appropriate flood proofing or protection or register an appropriate Flood Covenant against the Lands as may be required by and in a form satisfactory to the Covenantee; and
 - (d) Enter a site servicing agreement with the Covenantee in a form satisfactory to the Covenantee.
2. Nothing contained or implied herein shall prejudice or affect the rights and powers of the Covenantee in the exercise of its functions under any public and private statutes, by-laws, orders and regulations, all of which may be fully and effectively exercised in relation to the Lands as if this Agreement had not been executed and delivered by the Covenantor.

3. The covenants set forth herein shall charge the Lands pursuant to Section 219 of the Land Title Act and the burden of which shall run with the Lands. It is further expressly agreed that the benefit of all covenants made by the Covenantor herein shall accrue solely to the Covenantee and that this Agreement may only be modified or discharged by agreement of the Covenantee, pursuant to the provisions of Section 219(5) of the Land Title Act.
4. Notwithstanding anything contained herein, the Covenantor shall not be liable under any of the covenants and agreements contained herein where such liability arises by reason of an act or omission occurring after the Covenantor ceases to have any further interest in the Lands.
5. Wherever the singular or masculine is used herein, the same shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties so require.
6. This Agreement shall endure to the benefit of and be binding upon the parties hereto, their respective successors and assigns.
7. The parties hereto shall do and cause to be done all things and execute and cause to be executed all documents which may be necessary to give proper effect to the intention of this Agreement.
8. The Covenantor shall indemnify and hold the Covenantee and its officers, employees, agents and elected officials harmless from and against any and all claims, actions, costs, liabilities or losses that they may at any time hereafter suffer or be put to in connection with this Covenant, including any actual legal costs that are incurred in connection with any enforcement of this covenant.

AS EVIDENCE to their Agreement to the above terms, the parties each have executed and delivered this Agreement by executing the Land Title Act Form C to which this Agreement is attached and forms part of this Agreement.



MEMORANDUM

PROJECT NO.: 11100 – 103A

DATE: Sept. 15, 2014

TO: Nyal Wilcox, Sunstone Ridge Developments Ltd.

cc: Shannon Bard, Keystone Environmental Ltd.

FROM: Billi Gowans, Keystone Environmental Ltd.

Re: Sunstone Ridge Developments – Results of Sharp-tailed Snake Surveys

Keystone Environmental Ltd. was contracted by Sunstone Ridge Developments Ltd. to survey for the Sharp-tailed Snake (STS), within Phase I of the Sunstone Ridge Development Area in Pemberton, BC. This Memorandum includes excerpts from the draft study report.

Site Description

The Site is located on a hillside to the northeast of the VOP, north of Portage Road (Highway 99) and east of Old Pemberton Farm Road. A CN Rail line and rail right-of-way (ROW) extends east-west through the lower portion of the Site. The proposed Phase 1 area is approximately 16 ha in size. Development of the Phase 1 area will require Site clearing and grubbing to prepare residential/business lots and access roads, building construction, post-development catchment areas, installation of service utilities (water, sewer, power), and stormwater water management. The proposed access points will stem from a main road extending east of Old Pemberton Farm Road and on the south side of the CN Railway.

The ecosystem is characteristic of the Interior Douglas-fir, wet warm (IDFww) biogeoclimatic subzone. This landscape is typically open, rocky, south-facing slopes with relatively dry forest dominated by Douglas-fir trees. The hillside is interspersed with dry openings, rocky outcrops, and woody debris which provides potential habitat for the provincially Red-listed STS.

Regulatory Framework

- **BC Wildlife Act 2014** – This is the most important regulatory mechanism for wildlife on private lands. All wildlife including snake species are protected under Section 26 from harm or mortality. It is important to conduct adequate surveys to ensure compliance with this Act such that wildlife is not harmed.
- **Federal Species at Risk Act 2002, Schedule 1:** protects endangered or threatened organisms and their habitats, and species not yet threatened but whose existence or habitat is in jeopardy, although responsibility for protection on private land falls to the province and land managers.

Suite 320
4400 Dominion Street
Burnaby, British Columbia
Canada V5G 4G3

Telephone: 604 430 0671
Facsimile: 604 430 0672
info@KeystoneEnviro.com
KeystoneEnviro.com

Environmental Consulting
Engineering Solutions
Assessment & Protection

Sharp-tailed Snake Description and Habitat

The STS (*Contia tenuis*), is a small, harmless snake endemic to western North America. Adults are slender and range in length from 20 to 30 cm. They are reddish brown in colour and have a small sharp thorn-like tip at the end of their tail. Juveniles are a distinct brick red colour, and have a white and black pattern on the ventral area (CDC 2010). The STS is considered:

- *Endangered* by the Committee on the Status of Endangered Wildlife (COSEWIC);
- A Red-listed species under the *Wildlife Act* in BC;
- A Species of Special Concern under the federal *Species at Risk Act* (SARA) registry.

The range of area currently occupied by STS in BC appears to be relatively small (Engelstoft 1999). The species is known from only a few sites within the IDFww biogeoclimatic zone on southeastern Vancouver Island and the Gulf Islands. They have elusive behavior and live underground; therefore, STS are difficult to detect and habitat requirements are not well understood. In areas where the STS have been documented, STS have been found in a forest mosaic with small openings and abundant cover, such as large woody debris, and/or rock fissures (MOE STS Recovery Strategy, 2008). Most known sites occur on slopes with a south or west exposure, shallow soil, leaf litter, and rock cover (Engelstoft 1999, Engelstoft pers. comm. 2014).

Survey Methods

The scope of the STS survey was to detect the presence of individuals within the Development Phase 1 residential and future townhouse areas, the reservoir and parks within the Site, and in areas where clearing, construction and road building is proposed to occur later in 2014.

Previous studies of STS on Vancouver Island have shown that the snake has two surface peak activity seasons (Engelstoft, 1999), but small numbers of snakes have been found throughout the year (Engelstoft pers. comm. 2014). The spring peak activity occurs between mid-March and mid-June, and the fall smaller activity peak occurs between mid-September and October. The actual peak varies from year to year depending on the weather and, occasionally, no snakes are found at the surface in the fall. The surveys were undertaken during late June due to timing constraints and development planning. As late June is the end of the recommended survey window, detection of STS may be less likely to occur than during the peak of activity, as indicated by the STS expert (Christian Engelstoft, Biolinx).

In order to effectively detect the presence of individual species within the development area, the following survey methods were used as reference:

- Resource Inventory Standards Committee (RISC) Inventory Methods for Snakes, 1998
- BC MOE Recovery Strategy for the Sharp-tailed Snake in British Columbia, 2008
- Best Management Practices (BMPs) for Amphibians and Reptiles in Urban and Rural Environments in British Columbia, 2004
- BC MOE Sharp-tailed Snake Study on the Gulf Island and Southeastern Vancouver Island (Engelstoft, C. and K Ovaska. 1999)

The assessments were conducted on foot by three biologists, including two Qualified Environmental Professionals (QEPs), one with prior experience in reptile Species at Risk, and Christian Engelstoft (Biolinx) a provincially recognized expert on this particular species.

Technical design of field studies was guided by Mr. Engelstoft. In order to cover the entire proposed Phase 1 development area effectively, the following survey method was applied to search for STS individuals across the range of habitats within the landscape:

- Survey transects 20 m apart by the three biologists travelling east to west
- A meandering intensive survey between transects using a GPS tracking feature
- Searching beneath potential cover objects (i.e., rocks, large woody debris, decaying wood, artificial cover objects), and returning cover objects to their original position when complete

Areas heavily vegetated and densely forested were traversed more quickly, as these areas are considered of low suitability as STS habitat. Extra care and time was spent surveying the forest edges, rock piles, rocky outcrops, crevices and areas with open canopy cover.

Results

The STS surveys were conducted on June 12 and June 13, 2014 within the proposed development area for the Sunstone Ridge Development project. During the two day field study, STS were not observed.

Habitat was generally young to mature second-growth Douglas-fir forest, with a heavy ground cover of bracken fern, trailing blackberry, Himalayan blackberry, Sitka willow, red-osier dogwood, black gooseberry, Saskatoon berry, and small stands of deciduous trees. This habitat was considered to be of low suitability for STS. Landscape features that could be used by STS for cover consisted primarily of fallen trees and decaying wood within a dense overstory of trees and shrubs with relatively closed canopy cover.

Conclusions

STS surveys were completed within the whole of the Phase I development area of Sunstone Ridge, as requested. Snake surveys allowed a preliminary reconnaissance-level assessment of overall habitat available for STS within the study area and suitability for STS was considered to be primarily low to nil with some limited numbers of small areas with moderate suitability located within forest openings, on steep slopes, and at trail or road edges.

Although individual STS were not detected during the June 12 and 13, 2014 surveys, the results of these surveys are not definitive and do not conclusively indicate a lack of STS presence within the development area. It is important to remember that this species was first discovered on the BC mainland in 2011, and we currently lack a good understanding of their activity peaks and life history within these new environments. Recent searches undertaken within the property directly adjacent and west of the Sunstone Development Site have previously documented observations of STS on steep rocky bluffs.

Recommendations

It is recommended that an STS Management Plan be developed and implemented prior to, and during construction and development that will incorporate recommended BMPs during construction to manage STS habitat where documented and preserve, where possible, the natural landscape features of STS habitat in areas identified as moderately suitable habitat. A provincial STS BMP is currently in draft form (Engelstoft pers. comm. 1994).

Appropriate wildlife permits are required for the capture, handling and relocation of STS and the application of a permit may require a minimum lead time of 3 months for consideration by the Ministry of Forests, Lands and Natural Resource Operations.

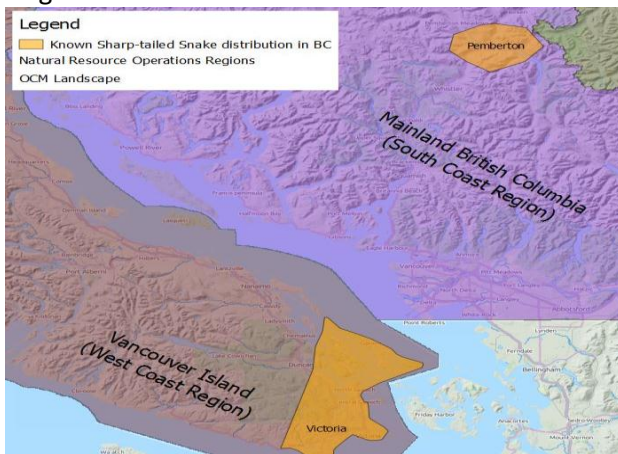
I:\11100-11199\11100 - sharp tailed snake Pemberton\Report\11100 140915 MEMO STS Surveys.docx

Environmental Guidelines for Urban and Rural Land Development in British Columbia



Are you planning any development on your property? If your property includes, or is near to, rocky outcrops or Garry Oak/Arbutus, or Douglas-fir woodlands, this fact sheet will provide you with important information about complying with the law, protecting these snakes, and enhancing enjoyment of your property.

Sharp-tailed Snakes are small (up to ~30 cm long), slender snakes inhabiting woodlands and rocky forest openings in southwestern B.C. The back and sides are solid brownish or reddish brown, and the belly has characteristic black and white barring; the tail ends in a small thorn-like scale. Unlike gartersnakes (*Thamnophis* species), Sharp-tailed Snakes are seldom found out in the open but hide under rocks, logs, bark, or other cover-objects, or in rock fissures. Hibernation and egg-laying are thought to take place on rocky slopes with warm aspects. Sharp-tailed Snakes use the same general areas year-round and are not known to undertake seasonal migrations. They feed mainly on slugs and are harmless to humans.



At Risk

Sharp-tailed Snakes are a **Red-listed** species in the province and federally listed as Endangered. Urban and rural development results in the loss of suitable foraging, thermoregulation, egg-laying, and hibernation habitats. The snakes can coexist with humans, provided essential habitat features are preserved and suitably connected over the landscape.

Legally Protected

The Sharp-tailed Snake is an Endangered species under the federal *Species at Risk Act* and is also protected under B.C.'s *Wildlife Act*. In B.C., it is an offence to hunt, take, trap, wound, or kill any species of snake eggs ([B.C. Wildlife Act](#), Section 26). As the *Wildlife Act* applies to all life stages including eggs, it is important to conduct adequate surveys and implement buffers in advance of construction to ensure snakes and their habitat are not destroyed. To initiate development in the absence of survey data may potentially result in a contravention under the *Wildlife Act*. Contact the Regional Species at Risk Biologist if you are planning any activities in or near Sharp-tailed Snake habitat. For information on the *Species at Risk Act* please visit the [Species at Risk Public Registry](#), or contact Environment Canada at 604-350-1900 or SAR.pyr@ec.gc.ca.

Development Guidelines

More detailed guidelines for protecting Sharp-tailed Snakes and their habitat are provided in *the Recovery Strategy and Best Management Practises Guidelines for Sharp-tailed Snakes*.

- ☑ In areas where Sharp-tailed snakes are known to occur contact the regional biologist who will work with a QEP to delineate buffers (if they haven't yet been delineated) within which impacts to key habitat features should be avoided or mitigated to prevent direct mortality and/or destruction of key habitat features and residence (such as talus, rock outcrops, and coarse woody debris in open woodland with warm aspects).
- ☑ In areas with known occurrences, a 40 ha management zone of suitable habitat (open woodland with a warm exposure) should be delineated centered on the occurrence or occurrences to ensure population connectivity, access to key habitat features to support all life stages and to maintain sufficient habitat to sustain a population.
- ☑ Within this management zone land owners and managers should demonstrate due diligence by consulting with BC Gov Biologists and STS experts in order to develop an avoidance and mitigation plan. This plan should follow the recommendations in the BMPs and Recovery Strategy including habitat mapping, inventory and protection of key habitat features and biophysical attributes throughout the both zones.
- ☑ Where it is within the range but occupation is not confirmed conduct a habitat suitability assessment of the development site and surrounding area using aerial imagery, followed by a site survey.
- ☑ Conduct surveys for snakes in high-quality habitats using artificial cover-objects during spring and fall, when the snakes are most readily found. Note that Sharp-tailed Snakes are notoriously difficult to find, and inferring absence may not be reliable even after several surveys.



- ☑ Design and locate developments so as to avoid key habitats features for the snakes (see the STS Recovery Strategy). Talk to the local government about ways to concentrate development in areas with lower environmental values—for example through increasing housing density or clustering development.
- ☑ Avoid fragmenting snake habitats by roads and developments within the project area; attempt to maintain connectivity with snake habitat in the surrounding landscape.
- ☑ There is no safe time for construction activities. All construction activities near suspected hibernation sites should be avoided in winter (Nov – Feb). Sharp-tailed Snakes are also susceptible to disturbance when active on the surface in spring and fall.
- ☑ Check with your local government to see if they have a Development Permit Area (DPA) or other bylaw that protects Garry Oak /Arbutus, Douglas-fir woodlands in your area.
- ☑ As each site differs in sensitivity and habitat usage, , if a qualified professional biologist with relevant Sharp-tailed Snake experience determines that a change in buffers in warranted, they can contact the regional wildlife biologist responsible for Sharp-tailed Snake management to see if an alteration may be considered.

For more information:

Permit and Authorization Service Bureau www.env.gov.bc.ca/pasb/applications/ or call 1-866-433-7272

Environment Canada <http://www.sararegistry.gc.ca/>

Photos: Sharp-tailed Snake (Christian Engelstoft); habitat (Kristiina Ovaska); page 2- Sharp-tailed Snake (Leslie Anthony)

Appendix F

Table 1. Summary of key issues and recommendations identified by Stewardship Pemberton Society (SPS) in the Rezoning Application-OR108 Biro Development

Plan	Section	Page (.pdf)	Key Issues	Recommendations/Comments
Part 1- Stewardship Referral	Kamloops Land Title Office Document #CA2723154	15	Section 1(a) states <i>Dedicate or transfer to the Covenantee park land equal to 5% of land mass...</i>	<ol style="list-style-type: none"> 1. In the conceptual plans, the only park space outlined is in an existing wetland. It does say in Section 4.0 Rezoning that the wetland is 4 ha and will be dedicated as park in the later stage. The area of the wetland needs to be confirmed as it has been encroached by a very large parking area installed illegally (2400m², as outlined in Appendix A-CERG Memo Nov. 15, 2001) to ensure the area remaining meets the 5% dedication for this phase. The parking area was newly graded and topped (2015) which is a violation of the Riparian Areas Regulation and contrary to the objectives of the Village of Pemberton (VOP) Official Community Plan (OCP). This should also be addressed prior to approving the rezoning. 2. Clearly define 'Park' (ie. Open space/Greenway, public park, sanctuary) and what the 'Park' use will look like and if the wetland is appropriate for this designation. Development of any kind, including recreational, may be limited at this site due to physical building constraints (water) and/or applicable local, provincial or federal legislation. 3. Confirm that the wetland isn't going to be the only park for all building lots (Sabre, Biro, 580 etc). And if that is the case, this should be clarified and the area confirmed for all building sites.
Maps	Maps	39-41	Three conceptual plan maps are provided. It appears one is from 2012 and two are more recent (2014). The plans from 2014 are very different from the 2012 plans. For example, 'Road C', as is labeled in the 2014 plans, doubles the housing in the earlier plan.	Provide only the most up-to-date plans and avoid the addition of redundant information. All trails (Section 5.4), road access design (Section 6.1), water and sewer services (Section 6.2) and Stormwater Management (Section 6.3) are based on the earlier design and do not incorporate the proposed higher density housing.
Rezoning Application Overview	1.0 Introduction	44	The plan states: <i>Application is being made to rezone these properties for residential and commercial development consistent with the Village of Pemberton Official Community Plan.</i> At this time it doesn't appear that the conditions have been met in regards to species-at-risk (ie. Northern Rubber Boa, Western Toad, Sharp-tailed Snake).	Ensure the application meets all relevant environmental protection sections of the OCP in regards to terrestrial habitats for reptiles and amphibians. The VOP OCP relevant sections include: 5.10-The Natural Environment is preserved and protected; 5.10.1- Natural Environmental Policies; 5.10.2- Natural Environment Strategies- #2 Development Permit Review Process; 7.0 Development Permit Guidelines- Application of Development Permit Areas...Altering of land where it is designated DPA No. 1- Environmental Protection; 7.1 Development Permit Area No. 1; 7.1.1 Objectives- Identify, conserve, rehabilitate and protect sensitive habitats and important ecosystems and ensure that when reviewing proposals for future development, resource activities and infrastructure projects the planning will proactively avoid, or if appropriate mitigate sensitive habitat and important ecosystems; 7.1.2 Guidelines, all sections; Schedule C- Environmental Assessment Process (Note: Step 2 states the VOP will evaluate the development application with the Environmental Review and deem whether there are potential negative impacts of the proposed development and Step 4 ensures that VOP will determine if proposed impacts are acceptable given municipal policies as provincial and federal legislation.
Rezoning Application	2.0 Background	45	In the figure in Section 2.0, it outlines the areas for	<ol style="list-style-type: none"> 1. Confirm the proposed development must dedicate 5% of parkland

Overview			development. There are no park lands included as it omits the wetland area.	within the outlined area (~1.1 ha for the proposed 21.8ha proposal). Otherwise, the wetland/park area should be included in the proposal figure in Section 2.0. 2. The DP area is not consistent throughout the package. Ensure consistency of figures and maps throughout the package showing lot boundaries within the requested rezoning area.
Rezoning Application Overview	4.0 Rezoning	46-48	Note that SPS did not review the lot density for rezoning. This outside our area of expertise (social, economic and cultural constraints). However, we feel that density of housing should directly relate to the protection of environmentally sensitive habitat, in addition to the factors listed above.	
Rezoning Application Overview	5.0 Environment- Aquatics	49	The plan states: <i>Direct effects to aquatic habitats are not anticipated from the Project, as the on-site aquatic habitats will be protected by development setback buffers.</i> These setback buffers are not delineated or defined.	Ensure set-backs from all aquatic habitats meet the minimum requirement under the Riparian Area Regulation and OCP Section 7.1.
		49	The Environmental Assessment (EA) methods related to fish and aquatics describe a desktop study. Ivey Creek supports Rainbow Trout, Cutthroat Trout and Sculpin spp. These are omitted in the consultant's report, though this information was provided in this application package, in the Cascade memorandums from 2001.	Ensure environmental reports include all relevant information, especially information that can be provided by the proponent to their environmental consultant.
		50	The plan states: <i>Project construction activities may result in changes to the Site's hydrology and stormwater regime. To mitigate the impact of these changes, erosion and sediment control devices should be installed or used to prevent the migration of soils and sediment-laden water.</i>	An erosion and sediment control plan should be prepared as part of a Construction Environmental Management Plan. There should be a commitment to complete this prior to approval.
Rezoning Application Overview	5.0 Environment- Terrestrial	50	The plan states: <i>Wildlife is not anticipated to be adversely impacted by the Project clearing activities due to the disturbed nature of the site.</i> This is not true as there are many species currently present on this property, such as reptiles and amphibians, which have limited ability to move great distances at speed.	Ensure potential species are addressed in an Environmental Protection Plan (EPP) which outlines: presence (based on study or by working with SPS as they have extensive wildlife experience in the region), mitigation and best-management practices, timing of works, critical habitat areas and activities with potential to disrupt (clearing, grubbing, blasting, vehicle traffic, restoration etc). An EPP is necessary to provide to developers, contractors and others to ensure mitigation strategies are achieved, rather than a blanket request to "implement applicable BMP's".

Rezoning Application Overview	5.0 Environment	50	The plan states: <i>The majority of Species at Risk (SAR) plant and animal communities that have the potential to be present in the Project area were not identified during the site survey, or did not have habitat requirements that were present in the Project development footprint.</i>	The Environmental Assessment (EA) field work was completed on December 12, 2012 with 5 cm of snow cover. This is not an appropriate time of year, as defined in standardized Provincial Resource Inventory Standards Committee (RISC) methods for surveys related to plants or animals. RISC methods guide professionals in collecting scientifically defensible data, ensuring standards and procedures are uniform across disciplines and practitioners. In addition, species and habitat surveys, particularly for reptiles and amphibians, cannot be undertaken when there is snow cover. For example, rocky subsurface conditions preferred by reptiles (ie. Rubber boa) cannot be observed with even low snow cover. Similarly, endangered plants such as Geyer's Onion are undetectable at this time of year.
		50	The plan states: <i>It is unlikely that the sharp-tailed snake is present on the site, based on the current known extent of its range being confined to Vancouver Island.</i>	Despite the dismissive language used throughout the report, the Sharp-tailed snake was well documented in Pemberton at the time of publishing, with 13 individual snakes documented (geo-referenced, photographed). SPS engaged in conversations with Keystone about the additional sightings in summer and fall 2012. Since Keystone dismissed the SPS sightings, it would have been prudent to contact the Provincial Recovery Team for additional information regarding the sightings, instead of only relying on information available on the internet. The EA does however recommend additional studies for Species at Risk (EA Section 4.3.1) and mitigation strategies (EA Section 5.4), despite the language used: " <i>In the unlikely event that evidence of the STS is identified mitigation strategies include...</i> ". This language is counterproductive. Even if the sightings on the Biro site are removed, the STS has been observed on either side of the development and a strategy should be implemented. Furthermore, there is no mention of Rubber Boa or Western Toad, which are well-documented on, and near the property.
		50	The plan states: <i>To mitigate the impact on SAR, a pre-clearing field survey should be conducted within the construction clearing footprint where SAR habitats are present and SAR may reside.</i>	Again, EPP's should be prepared for all Valued Environmental Components (VEC) identified on the property. Keystone identified three other species at risk in the report (Table 1) that have been confirmed on or near the property; Western Toad, Red-legged Frog and Olive-sided Flycatcher. Rubber Boa, which is listed as a Schedule 1 under Federal Species at Risk Act, and is documented on and near the property, is not listed. These may all be considered as VEC's. VEC's outlined in the EA are limited to general subjects including Aquatic Habitat, Vegetation, Wildlife and Species-at-Risk and there are some good mitigation measures presented. However, these should be more site specific in terms of habitat and species effects (ie. Reptile EPP). It is important to identify habitat in the studies, as this can be a basis for quantifying impacts, developing mitigation strategies and where applicable, compensation.
Rezoning Application Overview	5.0 Environmental	50	The report states: <i>The possible presence of sharp-tailed snakes on an adjacent to the site has recently been identified as an issue. Keystone was retained to investigate this matter further, and their report is attached in Appendix C.</i>	In regards to Appendix C, we are currently waiting for clarification on a number of details in the memo provided.
Rezoning Application	5.4 Trails	51	It would appear from the subdivision layout that there are	This section should be referred to the Pemberton Valley Trails

Overview			no trails leading from proposed upper lots, including tourist accommodation, to the valley floor. There should be a dedicated trail allowing direct access from proposed development to the valley floor. Otherwise there may be illegal trail building, which may affect VEC's.	Association.
Rezoning Application Overview	6.0 Site Servicing and Infrastructure	52-55	The plan states: <i>“Although the current development concept differ slightly from the layout in the Servicing Design Brief, the findings of that report are still valid for the current development concept”</i> .	Proponent should provide the most up-to-date information.
Rezoning Application Overview	6.1 Road Access and Design	52-53	The plan states: <i>“The main road through the site will be upgraded to the local road standard, with 3.3-m wide paved traveled lanes, an adjacent 1.5-m wide paved walkway lane, 0.5-m wide granular shoulders, and a 20-m wide right-of-way. Ditches and culverts will convey surface drainage, and will be armoured where recommended by the geotechnical engineer to prevent erosion”</i> .	Ensure appropriate mitigation is employed when the road crossing at Ivey Creek is modified. This commitment should be incorporated into the application.

WEBSITE FORM SUBMISSION

The following was submitted from the pemberton.ca **Request to Appear Before Council Form**.

Full Name: Samuel Sugita

Email Address: [REDACTED]

Phone Number: [REDACTED]

Mailing Address: 1600 4710 Kingsway

Street Address: 1600 4710 Kingsway

Town/City: Burnaby

Province/State: BC

Postal/Zip Code: V5H 4W4

Country: Canada

Requested Date: 4/7/2015 9:43:00 AM

Purpose of Presentation: A discussion with Rogers to provide information on their wireless network, customer needs, benefits etc. and discuss the proposed Rogers tower at 7444 Prospect St - Rogers Communications Inc. W3602. Michael Cameron with Cavalier Land will also be in attendance.

By submitting this form, you agree to the terms and conditions listed below: I Agree

TERMS & CONDITIONS

I/We acknowledge that only the above matter will be discussed during the delegation.

Where the subject matter of a delegation pertains to legal matters, personnel, and/or private property issues, the Village of Pemberton reserves the right not to hear such delegations.

Council meetings are public meetings unless the public interest requires closure to the public pursuant to the *Community Charter*. This request may become part of the public record in the meeting agenda package, which will be distributed to Council, staff, media, and the public online at www.pemberton.ca.

WEBSITE FORM SUBMISSION

The following was submitted from the pemberton.ca **Request to Appear Before Council Form**.

Full Name: Nicole Beaudry

Email Address: [REDACTED]

Phone Number: [REDACTED]

Mailing Address: 216-7445 frontier st.

Street Address: 216-7445 frontier st.

Town/City: Pemberton

Province/State: BC

Postal/Zip Code: V0N 2L1

Country: Canada

Requested Date: 4/7/2015 12:00:00 AM

Purpose of Presentation: I would like to discuss my concerns about the new cell tower that Rogers would like to install in the Legion Parking lot.

By submitting this form, you agree to the terms and conditions listed below: I Agree

TERMS & CONDITIONS

I/We acknowledge that only the above matter will be discussed during the delegation.

Where the subject matter of a delegation pertains to legal matters, personnel, and/or private property issues, the Village of Pemberton reserves the right not to hear such delegations.

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